



## **EXHIBITS**

**Proceeding/Serial No: 91182173**

**Filed: 10-31-2008**

**Title: Opposition to Applicant's Motion for  
Summary Judgment**

**Document contains 2 Cd's marked "Exhibit 9 and  
12".**





Applicant.

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Opposition No. 91182173

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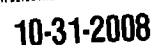
TTAB

Opposer, Odom’s Tennessee Pride Sausage, Inc. (“Tennessee Pride”) submits the following, as well as the Declaration of Larry D. Odom (“Odom Dec.”), and Opposer’s Exhibits (“OX”) 1 through 19, in opposition to Applicant’s Motion for Summary Judgment.

The *competent, admissible* evidence properly before the Board is more than sufficient to support a finding of likelihood of confusion between the opposed mark and Opposer's pleaded mark(s), and that Tennessee Pride will be damaged *by the registration Applicant now seeks*. Although the evidence must be viewed in the light most favorable to Opposer, with all inferences drawn in its favor, Tennessee Pride does not need to rely on such legal "assists" – the record clearly establishes, as a matter of law, that Applicant is not entitled to summary judgment.

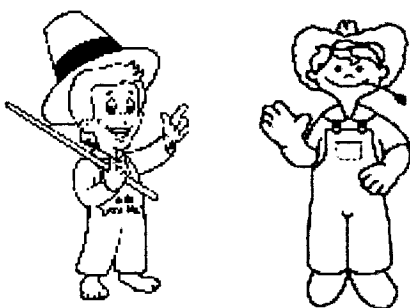
## **I. THE SIGNIFICANT “OMISSIONS” IN APPLICANT’S “INTRODUCTION”**

Applicant's Memorandum in Support of Its Motion for Summary Judgement ("Applicant's Memo") is replete with asserted statements of fact not supported by any declaration or evidence in



the record, material omissions, and outright misrepresentations. The fact that Applicant must resort to such sleight of hand in and of itself indicates that summary judgment is not appropriate.

Perhaps most telling of these is Applicant's purported display, on p. 1 of Applicant's Memo, of the marks at issue. While the opposed mark is depicted, Applicant selectively chooses to display but **one** of Tennessee Pride's ten (10) pleaded, registered marks. Applicant neglects to show, for instance, that also at issue in this opposition, is the following:



*See, e.g.,* Opposer's U.S. Registrations nos. 3,200,845 and 3,200,875.<sup>1</sup>

Applicant also claims in its Introduction that the following mark has been registered (no. 1,222,958) since 1983, and purportedly used by Applicant since prior to that:



Applicant neglects to mention, however, that this is the mark, *as actually registered*:



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<sup>1</sup> In fact, the purported representation on p. 6 of Applicant's Memo of the registered mark of U.S. Registration no. 3,200,845, is incorrect; the mark shown by Applicant is not the registered mark.

An application for amendment of the registration was filed December 18, 2002.<sup>2</sup> Tennessee Pride was afforded no opportunity to oppose that amendment (or to challenge the amendment as a material alteration of the mark).

## **II. COUNTER STATEMENT OF FACTS**

### **A. Tennessee Pride's History and Business**

Tennessee Pride was started in 1943, by the grandfather of the company's current president, Larry D. Odom Odom Dec., ¶ 2. Although it has always remained an Odom family run business, today, Tennessee Pride is one the largest privately owned sausage product companies in the United States. *Id.* Tennessee Pride has plants in Little Rock, Arkansas and Dickson, Tennessee, and corporate offices in Madison, Tennessee. *Id.* The company currently has over seven hundred (700) employees. *Id.* Tennessee Pride attributes the success of its products and company to its commitment to quality, good taste, and food safety. *Id.*

Tennessee Pride products include: fresh sausage patties, rolls and links; cooked sausage patties and links; breakfast sandwiches (with ingredients such as sausage, ham, bacon, eggs, cheese, biscuits, muffins and croissants); snack and party appetizers, and gravy. Odom Dec. ¶ 3. The products are sold at retail, to consumers. *Id.* The primary avenue of distribution and sale of the Tennessee Pride products to consumers is through retail grocery stores, such as Kroger, Harris-Teeter, Jewel, Food Lion, Publix, Winn-Dixie, and Meijer, as well as large "big box" retailers such as Wal-Mart. *Id.* See also OX 1 (a print out from the Tennessee Pride web site listing of retailers

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<sup>2</sup> Clearly, the repeated assertion in Applicant's Memo, and in the Declaration of Susan Mayo, that the mark which currently is depicted in registration no 1,222,958, has been in use "for over thirty years," is not true – this is an exaggeration over *five times* the actual period of use which is even remotely supported by the record.

which sell the Tennessee Pride products). Tennessee Pride also sells its food products directly to consumers, online. Odom Dec., ¶3, and OX 2.

Another market for Tennessee Pride products is the food service industry, in institutions such as hospitals and schools, and in restaurants. Odom Dec. ¶3. Yet another aspect of the Tennessee Pride business is the provision of private label products and services. *Id.*

**B. Opposer's Extensive Use of its Tennessee Pride Farmboy Logo**

For over half a century, Tennessee Pride has used a fanciful depiction of a (full bodied) farm boy with a straw hat, in overalls with bare feet, to identify its products and business, and to distinguish those products and business from those of others. Odom Dec. ¶4. The Tennessee Pride farm boy figure has been depicted in various poses and perspectives, sometimes carrying a fishing pole, but mostly as a “full body.” *Id. See, e.g.,* OX 3, 6 and 11-13.

Tennessee Pride has obtained, and pleaded herein, ten (10) registrations comprised of or containing a design of a farm boy. Copies showing current status and title of these registrations were made of record herein with the Notice of Opposition; “soft” copies are also attached to Applicant’s Motion for summary judgement, as Applicant’s Exhibit F. Examples of the uses of the farm boy as a Tennessee Pride trademark are reflected in these registrations (hereafter, the various depiction of the farm boy registered and used by Tennessee Pride collectively will be referred to as the “Tennessee Pride Farmboy” or “Tennessee Pride Farmboy Logo.”). Odom Dec. ¶4.

The Tennessee Pride Farmboy is, and always has been intended by Opposer to represent, a farm boy, to highlight and suggest the farm fresh nature of the Tennessee Pride products. Odom Dec. ¶5. The Tennessee Pride Farmboy always and consistently has been referred to by Opposer as “a farmboy.” *Id. See also, e.g.,* OX 4, 9, 10, and 12 – 14. Indeed, the design code and description

imposed by the U.S. Patent and Trademark Office in virtually all of Tennessee Pride's pleaded registrations is a "farmer."

Opposer extensively uses its Tennessee Pride Farmboy in every facet of its business. Odom Dec. ¶6. The Tennessee Pride Farmboy appears on the packaging of every one of Tennessee Pride's products. *Id.* See also, e.g. OX 3A- C. Tennessee Pride promotes its business and products through a web site, at [www.tnpride.com](http://www.tnpride.com). See OX 4. The Tennessee Pride Farmboy prominently appears throughout Opposer's web site. *Id.*, and Odom Dec. ¶6. The Tennessee Pride Farmboy is on coupons – redeemable at grocery and retail stores. Odom Dec. ¶6 and OX 5. In store displays, signs and other point of purchase materials show the Tennessee Pride Farmboy. Odom Dec. ¶6. One such in-store display consists of a large, cardboard cut out figure of the Tennessee Pride Farmboy. See, e.g., OX 6. The Tennessee Pride Farmboy Logo prominently appears on Opposer's company van. Odom Dec. ¶6 and OX 7. The Tennessee Pride Farmboy Logo even appears on the large, outdoor sign at Opposer's corporate headquarters (OX 8), and each of Opposer's locations has a bronze statue of the Tennessee Pride Farmboy. Odom Dec. ¶6. The Tennessee Pride Farmboy also appears on menus of some of the restaurants which serve Tennessee Pride products. *Id.*

**C. The Tennessee Pride Farmboy and Products are Widely Advertised and Promoted**

Tennessee Pride products are advertised and promoted extensively in a variety of ways, including via Opposer's web site ([www.tnpride.com](http://www.tnpride.com)), see OX 4, and in television and radio advertising. Odom Dec. ¶7 and OX 9 (a DVD of sample television advertisements for Tennessee Pride products). See also OX 10 (page from the Tennessee Pride web site from which various television commercials for Tennessee Pride products may be viewed). In addition, Tennessee Pride

products are advertised through the print media, in major city and local newspapers, such as *The Detroit Free Press*, *Atlanta Constitution*, *Cincinnati Enquirer* and *The Chicago Tribune*. Odom Dec. ¶7. Three to four times a year, Tennessee Pride distributes through local newspapers free standing inserts (“FSI”), which are coupons and advertising inserts. *Id.* See also, e.g., OX 11A-D. These FSI’s are distributed to over 27 million (27,000,000) households. Odom Dec. ¶7.

In substantially all of the advertising and promotion conducted for the Tennessee Pride products, both past and present, the Tennessee Pride Farmboy Logo has been prominently featured. Odom Dec. ¶8. For example in a 1950's television commercial featuring Grand Ole Opry characters “Lonzo and Oscar” an actual human “farm boy” joins the characters in (literally) singing the praises of Tennessee Pride products. OX 12. A 1960's television commercial features an animated, dancing farm boy. *Id.* And in commercials from the 1980's and 1990's, the Tennessee Pride Farmboy Logo appears to “jump” from its inanimate state on the product package, to an animated state. *Id.* The prominent appearance of the Tennessee Pride Farmboy as a featured animated character continues in the current television commercials of Tennessee Pride. OX 9. See also OX 10, which includes still shots of the Tennessee Pride Farmboy in Opposer’s current television commercials.

Throughout the years, Tennessee Pride also has conducted promotional events where free samples and other give-aways are distributed. Odom Dec. ¶9. These promotions have been tied to events such as conventions (e.g. the “Sisters Only” consumer show with live entertainment held this year in Atlanta, Georgia), concerts by well known artists (e.g. country singer Kenny Chesney), and other entertainment events (for example, the USCA Extra Inning Bull Riding event – see OX 11D), promoting local outlets of grocery stores and the Tennessee Pride products with a drawing at the store for free tickets to the concert or event. Odom Dec. ¶9. Frequently, these drawings and events

are covered by local radio stations. *Id.* Tennessee Pride also regularly appears at state fairs, sponsoring and conducting cooking contests. *Id. See also, e.g.,* OX11B. Free give aways, such as grill sets, t-shirts, bandannas, coloring books, recipe books and Tennessee Pride Farmboy stickers are distributed at these events. Odom Dec. ¶9 and OX 13.

At each of these promotional events, a life sized figure appears, in a Tennessee Pride Farmboy costume, much like a mascot. Odom Dec. ¶10 and OX 7. In fact, Tennessee Pride has a full time employee, whose job is solely to serve as the Tennessee Pride Farmboy mascot, making public appearances at promotional events and also at local outlets of retail grocery store chains. Odom Dec. ¶10 Thousands of people have attended these Tennessee Pride Farmboy personal appearances – there were over 30,000 attendees at one such event in Atlanta, September 13-14, 2008. *Id.* Hundreds clamored to have their picture taken with the Tennessee Pride Farmboy. *Id.* Tennessee Pride issues a monthly newsletter reporting the personal appearances of the Tennessee Pride Farmboy. *Id. See also* OX 14A-C (August, September and October 2008 newsletters).

In short, the full figured farm boy in overalls and straw hat, whether in front or side view, animated or “still,” human or as a life-sized mascot, is an iconic image representing, and identified by the purchasing public with, Opposer and its Tennessee Pride products and business. Odom Dec. ¶10.

**D. The Close Relationship between the Tennessee Pride Business and Products and Grocery Stores and Services**

Tennessee Pride food products are sold, primarily, through retail grocery stores and grocery store chains. Odom Dec. ¶11. The advertising and promotion of Tennessee products, by and large, is done either at, through, or in conjunction with, retail grocery stores. *Id.* Point of purchase



materials – such as a large cardboard cut out of the Tennessee Pride Farmboy (*see* OX 6) – prominently are displayed inside the grocery stores. Odom Dec. ¶11.

Tennessee Pride product coupons are redeemed at the grocery store. *Id.* In turn, Tennessee Pride provides grocery store gift cards as give aways. Odom Dec. ¶11 and *e.g.*, OX 11A. The Tennessee Pride web site links to the web sites of grocery store chains (on the web page linked to the frame title “Store Locator”). Odom Dec. ¶11 and OX 1.

Moreover, grocery store chains sell their own private label food products. Odom Dec. ¶11. As part of its business, Tennessee Pride also provides private label products and services. Odom Dec. ¶3.

**E. Applicant has NOT Used the Opposed Mark since 1977, nor has It Previously Been Registered by Applicant**

Let the record be clear – Applicant has not used (or previously registered) the *opposed mark* for “over thirty years” or anything even close to that. As Applicant has acknowledged, the *opposed mark* has been used by it, at best, since only March 28, 2007. *See* Declaration of Susan Mayo, ¶¶3-4. This is a mere ten (10) months before the Notice of Opposition herein was filed.

As for what **currently** is the mark of registration no. 1,222,958, that mark only has been registered since March 29, 2003. *See* Print-out of original registration, OX 16, and current TARR print-out of that registration, OX 17. *See also, supra*, p. 2. The application for amendment of that mark only was filed in December of 2002. *See* OX 18. Applicant’s claim of continuous use of *this particular mark* in commerce since 1977 simply is not true. *See, e.g.*, Mayo Dec. ¶5 (stating, directly below a picture of the currently registered mark, “**This mark** has been continuously used in Farm Fresh Supermarket stores since at least as early as October 5, 1977.” [emphasis added]); Applicant’s

Memo, p. 3 (again, directly under a picture of the currently registered mark, stating, “FF has continuously used **this mark** in U.S. commerce since at least October 5, 1977.”[emphasis added]).<sup>3</sup>

Further, there is no evidence of record of *any* use, at *any* time of any of the marks of cancelled registrations nos. 1,222,760; 1,222,761; and/or 1,222,795. Indeed, these registrations were cancelled by the PTO, over five years ago, for the failure to file a (§8) declaration or affidavit of use.

Finally, and most ironic, is the fact that Applicant, itself has acknowledged (indeed, affirmatively relied upon), that the depiction of a full length figure of a boy is a significant difference from the (head and shoulders bust) mark of registration no. 1,222,958, in terms of the likelihood of confusion analysis. Thus, when the application which matured into that registration initially was refused (on the basis of a full figure mark, for take out fried chicken), Applicant had this to say:

The mark [of registration no. 1,222,958] consists of the bust of a country boy. This should be compared with Registration No. 997,359, which includes the full length figure of a boy with shoes on, who is holding out one arm, and it is difficult to see from the registration what he is carrying. . . . It is submitted that upon comparison of the two marks it will become apparent that there are so many differences between the two that they could not be considered confusingly similar by a purchaser.

See OX 19 (November 20, 1981 response to office action in registration no. 1,222,958, and the May11, 1981 office action to which it responded, obtained from the TDR database). Notably, the opposed mark is a “full length figure of a boy with shoes on, who is holding out one arm”

**F. There Is No Evidence of Any Actual Market Interface of the Parties**

Prior to the publication of the opposed application, Tennessee Pride had no knowledge of registration no. 1,222,958, or the amendment of the mark of that registration in 2003. Odom Dec.

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<sup>3</sup> This calls into credibility all of the alleged statements of “fact” in the Mayo Declaration.

¶12. Tennessee Pride never had – and still does not have – any personal knowledge of any actual use of the (original or amended) mark depicted in registration no. 1,222,958. *Id.* Prior to the service of Applicant’s summary judgment Motion, Tennessee Pride had no knowledge of any of cancelled registrations nos. 1,222,760; 1,222,761; and/or 1,222,795. *Id.* Tennessee Pride is not aware of any actual use of the marks depicted in those long cancelled registrations, either. *Id.*

With respect to the opposed mark, and Applicant’s allegation of actual use of same, there is no indication in the record as to the extent of such use, and/or any other basis to gauge the public exposure of that mark in this short, year and a half time period. Nor is there any indication of where, geographically, the Applicant’s stores are located.

### **III. ARGUMENT**

The burden is on Applicant, as the party moving for summary judgment, to show the absence of any genuine issue of material fact, and that it is entitled to judgment as a matter of law. *See* F.R.Civ.P. 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548 (1986). The evidence must be viewed in a light favorable to Opposer, as the non-movant, and all justifiable inferences are to be drawn in its favor. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). There is a genuine dispute when there is sufficient evidence for the fact finder to decide the question in favor of the non-movant. *Id.* at 255. When the evidence must be weighed to reach a conclusion of fact or law, summary judgment cannot be granted.

As a practical matter, however, it is unnecessary to resort to these legal precepts to dispose of Applicant’s Motion. Whether or not the (admissible) evidence of record is weighed or viewed in the light most favorable to Opposer, Applicant clearly is not entitled to judgment, as a matter of law. In fact, the opposition should be sustained.

**A. Applicant's *Moorehouse* Defense Fails, as a Matter of Law**

Relying on the principle enunciated in *Moorehouse Mfg. Corp. v. Strickland & Co.*, 407 F.2d 881, 160 U.S.P.Q. 715 (CCPA 1989) (the “*Moorehouse* defense”), Applicant claims that Tennessee Pride cannot be damaged by the registration of the opposed application and mark. Applicant relies on an existing registration (no. 1,222,958), and three registrations (nos. 1,222,760; 1,222,761; and 1,222,795) cancelled in **2003** for the failure to file a required §8 affidavit of use.

However, it has consistently been held that in order that a subsisting registration may properly be relied upon by a defendant as a basis for contesting an attack upon the defendant's later application for registration or another of defendant's registrations, the mark and the goods or services in the registration relied upon by the defendant must be substantially identical to the mark and goods or services in the defendant's application for registration or in its registration sought to be cancelled.

*Mason Engineering and Designing Corp. v. Mateson Chemical Corp.*, 225 U.S.P.Q. 956, 961 (TTAB 1985). *See also TBC Corporation v. Grand Prix, Ltd.*, 12 USPQ2d 1311 (TTAB 1989) (“The defense is proper where the existing registration or registrations relied upon are for the same or substantially identical mark and the same of substantially identical goods as the challenged application or registration.”); *Bausch & Lomb Inc. v. Leupold & Stevens, Inc.*, 1 USPQ2d 1497, 1499 (TTAB 1986) (“It is well settled that a subsisting registration may not be relied upon by an applicant as a basis for contesting an attack upon the applicant's application unless the mark and the goods shown in such subsisting registration are the same as or substantially identical to the mark and goods set forth in the defendant's application.”).

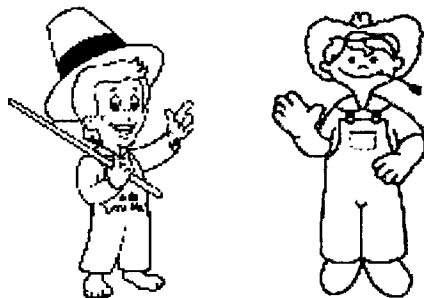
For purposes of the *Moorehouse* defense, two marks are “substantially identical” when they are either literally identical or legal equivalents. *See Amerisure Mutual Insurance Co. v. Independence Blue Cross*, Cancellation No, 92041070, 2004 TTAB Lexis 243 (TTAB 2004), *citing*

*O-M Bread Inc. v. United States Olympic Committee*, 65 F.3d 933, 938-39, 36 USPQ2d 1041 (Fed. Cir. 1995) (OLYMPIC and OLYMPIC KIDS not legal equivalents – no *Moorehouse* defense).

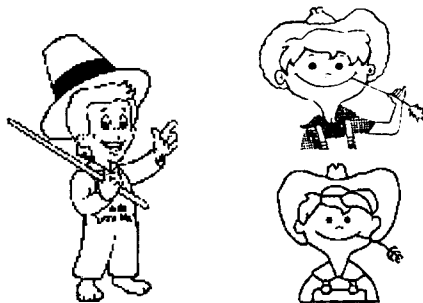
Even Applicant must admit that the marks of registration no. 1,222,958 – it will be recalled this registration cover two distinctly different marks, respectively, in the periods of 1983-2003 and 2003 to the present (*see p. 2, supra*) – unquestionably are not literally identical to the opposed mark. Nor is this “the exceptionally narrow instance” (*Amerisure, supra*) of legal equivalence.

The opposed mark clearly is materially different from the original and amended marks of registration no. 1,222,958. The current mark of that registration consists of a bust only (head and shoulders); no body, arms or legs are shown. The opposed mark, by contrast, is a full body length boy, in overalls, with a waiving hand. This is a very significant difference, as Opposer’s Tennessee Pride Farmboy is a full length boy, in overalls (and in many views and registrations) with a waiving hand. This material difference can and does damage Tennessee Pride regardless of the registration or use of the “bust” mark of registration no. 1,222,958. *See Odom Dec.* ¶12. This is the comparison.

This:



vs. this:



Applicant, *itself* has argued that “the full length figure of a boy with shoes on, who is holding out one arm” is a difference sufficient to avoid a finding of confusing similarity with “the bust” mark of registration no. 1,222,958. *See* OX 19. If, by Applicant’s own admission, two marks are not confusingly similar because of this difference, then certainly it means the marks are not legal equivalents. *See Lincoln Logs Ltd. v. Lincoln Pre-Cut Log Homes, Inc.*, 971 F.2d 732, 735, 23 USPQ2d 1701 (Fed. Cir. 1992) (marks can be confusingly similar and yet not legal equivalents).

With respect to registrations nos. 1,222,760; 1,222,761; and 1,222,795, these were cancelled for the failure to file a declaration/affidavit of use, over *five years ago*. It is silly to say that Tennessee Pride cannot be “damaged” by the opposed application because these long cancelled registrations existed in the past – having ceased to be valid **FOUR YEARS** before Applicant even commenced use (allegedly) of the opposed mark. *Cf. Estate of Ladisla Jose Biro*, 18 USPQ2d 1382 (TTAB 1991) (*Moorehouse* defense fails because opposer filed a petition to cancel the prior, existing registration relied upon by the applicant).

Applicant cites to no case which has held that the *Moorehouse* defense applies where the applicant seeks to rely on a cancelled or invalid registration. Indeed, *Biro, supra*, dictates the contrary conclusion. Applicant does cite *Aquion Partner L.P. v. Enviogard Prods. Ltd.*, 43 USPQ2d 1371 (TTAB 1997). However, that case did not apply the *Moorehouse* defense, but rather general principles of laches. More to the point, the Applicant in *Aquion* inadvertently allowed its prior registration to expire, but had never ceased the use of the previously registered mark. Here, there is no evidence that any of the marks of registrations nos. 1,222,760; 1,222,761; or 1,222,795 *ever* were used for the goods in those registrations, let alone that Applicant has continued to use those marks for such goods through the present.

Further, under *Aquion*, Applicant must show that it suffered material prejudice by Opposer's alleged period of "delay"; however, also under *Aquion*, the period of "delay" ended when the registrations were cancelled in 2003. Since Applicant, by its own account, did not commence use of the opposed mark until some four years later, it could not possibly have been prejudiced by such "delay." And, in fact, the record is completely barren of any evidence of material prejudice to Applicant. Therefore, as a matter of law, such laches defense must fail. *Id.*

The *Moorehouse* (and laches) defense based on registrations nos. 1,222,760; 1,222,761; and 1,222,795 must fail for yet two other reasons. First, the marks of those registrations are neither literally identical or legally equivalent to the opposed mark. Second, the goods in these registrations (bacon, margarine, and bread, respectively) are not the same or substantially identical to the (retail grocery store) services of the opposed application. See *TBC Corporation v. Grand Prix, Ltd.*, *supra*. The *Moorehouse* defense does not apply even if the goods listed in these prior (cancelled) registrations "are related to and within the natural scope of expansion of a producer of the goods listed in the" application Opposer seeks to cancel. *Id.* See also *Teledyne Technologies, Inc. v. Western Skyways, Inc.*, 78 USPQ2d 1203, (TTAB 2006) (*Moorehouse* defense unavailable, although goods in the prior registration "are related" to the goods in the registration opposed: "Nevertheless, the goods in the involved registration clearly are different from the goods and services listed in the prior registrations.")).

In fact, "retail grocery store services" is much broader than "bacon," "margarine" or "bread." See *Key Chemicals, Inc. v. Kelite Chemicals Corp.*, 464 F.2d 1040, 1235-46, 175 U.S.P.Q. 99 (CCPA 1972) ("Considering the far broader recitation of goods in [applicant's] present application vis-a-vis the recitation of goods in its previous registrations . . . we think opposer might well be

damaged by the registration sought over and above any reason it might have asserted at one time against [applicant's prior] registration.”). *See also Liberty & Co., Ltd. v. Liberty Trouser Co., Inc.*, 216 U.S.P.Q. 65 (TTAB 1982).

**B. The Evidence of Record Already Amply Demonstrates a Likelihood of Confusion**

Isolating five of the thirteen factor test of *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361, 77 U.S.P.Q. 564 (C.C.P.A. 1973), Applicant would have the Board weigh the evidence to conclude that there is no likelihood of confusion between the Tennessee Pride Farmboy, as used and registered by Opposer, and the opposed mark for retail grocery store services. Of course, on Motion for summary judgment, such a weighing of the evidence is not permitted, and is a process which, in and of itself, renders summary judgment inappropriate. Nevertheless, Tennessee Pride submits the evidence of record, limited to the five factors relied upon by Applicant, amply proves Opposer's likelihood of confusion opposition claim.

**1. The Tennessee Pride Farmboy is a strong, distinctive mark.**

The undisputed evidence of record demonstrates Opposer's long and extensive use, advertising and promotion of its distinctive Tennessee Pride Farmboy Logo, and the public recognition of the Tennessee Pride Farmboy. *See generally* pp. 4-7, *supra*. There is not a single shred of admissible evidence in the record countervailing the strength of the Tennessee Pride Farmboy Logo.

Applicant claims that the Tennessee Pride Farmboy Logo is “diluted” due to alleged “similar marks . . . used on food products.” Applicant's sole “evidence” of such alleged third party use is a so called “chart” of “boy designs” identified as Applicant's Exhibit G. *See* Declaration of Heather



Kliebenstain. Ms. Kliebenstein does not state in her declaration who prepared the “chart,” when it was prepared, or what was the source of the information purported to be reflected therein. On this basis alone, Applicant’s Exhibit G is completely lacking in any foundation, and is inadmissible.

However, even if a proper foundation had been laid, this chart still would be inadmissible.

*See* TBMP §704.03(b)(1)(B):

On the other hand, a party may not make a third-party registration of record simply by introducing a list of third-party registrations that includes it; or by filing a trademark search report in which the registration is mentioned; or by filing a printout, from a private company’s data base, of information about the registration; or by filing a notice of reliance together with a reproduction of the mark as it appeared in the Official Gazette for purposes of publication; or by referring to the registration in its brief or pleading. The Board does not take judicial notice of registrations in the Office.

Indeed, it is evident from Applicant’s Exhibit G that it is a search report from a private enterprise’s data base. As such, it is not admissible. *Id. See also Weyerhaeuser Company v. Katz*, 24 USPQ2d 1230 (TTAB 1992) (“However, a trademark search report is not credible evidence of the existence of registrations listed in the report.”)

The fact that Applicant’s Exhibit G contains only excerpts of information from the purported registrations also dooms its admissibility. *See Apogee Learning v. Apogee, Inc.*, 47 USPQ2d 1368 (TTAB 1998):

The remainder of Exhibit 6, however, consists of printouts from the Office’s TRAM system. Although the TRAM system is an official record, the printouts therefrom submitted by opposer are incomplete. Only soft copies of the registrations, or the complete electronic equivalents thereof obtained from the Office automated systems, are sufficient for purposes of making third-party registrations of record. *See In re Smith and Mehaffey*, 31 USPQ2d 1531 (TTAB 1994); *Weyerhaeuser Co. v. Katz*, 24 USPQ2d 1230 (TTAB 1992); and TBMP §§ 528.05(d) and 703.02(b). . . . The incomplete excerpts of registrations and applications taken . . . from the Office TRAM system, with only partial listings of the services covered thereby, cannot serve

to make the registrations and applications of record, nor can they serve the purpose for which [Applicant] is seeking to introduce this evidence.

It is with good reason that this “evidence” is inadmissible – the marks are nearly illegible in Applicant’s “chart.” To the extent necessary, Opposer formally moves to strike Applicant’s Exhibit G and all reference to it in Applicant’s Memo.

SUBJECT TO, AND WITHOUT WAIVER OF ITS OBJECTION, Tennessee Pride submits that *should the Board determine to admit Applicant’s Exhibit G into evidence*, it still would not be probative, for several reasons. First, there is no evidence of any actual use of **any** of this so-called third party marks. “Even when a third-party Federal registration has been properly made of record, its probative value is limited, particularly when the issue to be determined and there is no evidence of actual use of the mark shown in the registration.” TBMP §704.03(b)(1)(B).<sup>4</sup> *See also Teledyne*

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<sup>4</sup> This section includes the following footnote (161) string citation:

*See AMF Inc. v. American Leisure Products, Inc.*, 474 F.2d 1403, 177 USPQ 268, 269 (CCPA 1973) (not evidence of what happens in the market place or consumer familiarity); *Sports Authority Michigan Inc. v. PC Authority Inc.*, 63 USPQ2d 1782, 1798 (TTAB 2001) (not evidence of use or that consumers have been exposed to them); and *Red Carpet Corp. v. Johnstown American Enterprises, Inc.*, 7 USPQ2d 1404, 1406 (TTAB 1988) (not evidence of use to show public awareness of the marks).

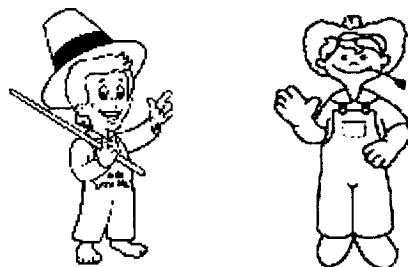
*See also Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542, 1545 (Fed. Cir. 1992) (may not be given any weight in determining strength of a mark); *Seabrook Foods, Inc. v. Bar-Well Foods Ltd.*, 568 F.2d 1342, 196 USPQ 289, 291 n.12 (CCPA 1977) (little evidentiary value in determining scope of protection); *Tektronix, Inc. v. Daktronics, Inc.*, 187 USPQ 588 (TTAB 1975), *aff'd*, 534 F.2d 915, 189 USPQ 693, 694 (CCPA 1976) (little weight on likelihood of confusion); *Conde Nast Publications Inc. v. Miss Quality, Inc.*, 507 F.2d 1404, 184 USPQ 422, 424-25 (CCPA 1975) (little weight on question of likelihood of confusion); *Spice Islands, Inc. v. Frank Tea and Spice Co.*, 505 F.2d 1293, 184 USPQ 35, 38 (CCPA 1974) (do not control determination of whether marks are so similar that they are likely to cause confusion); and *Pure Gold, Inc. v. Syntex (U.S.A.) Inc.*, 221 USPQ 151, 153 n.2 (TTAB 1983) (third-party registration only establishes what appears on its face, that application was made claiming adoption and use and that registration was granted), *aff'd*, 739 F.2d 624, 222 USPQ 741 (Fed. Cir. 1984).

*Technologies, Inc. v. Western Skyways, Inc., supra* (“This evidence is entitled to little probative value in determining likelihood of confusion.”).

Second, although Applicant characterizes Applicant’s Exhibit G as reflecting “over 80 registrations of boy designs for a food product” (Applicant’s Memo. p. 15), this is a gross overstatement, to say the least. Included in the exhibit are not only Applicant’s opposed application, but also **Opposer**’s ten pleaded registrations and pending application for the Tennessee Pride Farmboy. In addition, at least fifty-three (53) of the marks contained in the chart, patently, are not “boys” (some are even women). So essentially sixty-five (65) out the 80 are completely irrelevant, leaving only 15 possible registrations. Applicant’s chart includes designs in native Mexican costumes, aged Quakers, cowboys with mustaches – in other word, designs which have nothing in common with the opposed mark and the Tennessee Pride Farmboy, save for the fact that they are designs of human beings. This hardly is persuasive evidence of any consumer perceptions.

**2.     The opposed mark is closely similar in appearance and connotation to the Tennessee Pride Farmboy.**

Depicting only two of the many representations of Opposer’s Tennessee Pride Farmboy Logo (Opposer has ten pleaded registrations, and the record reflects even more usages), Applicant argues that the only similarity between the marks at issue is that they are both a “boy design.” Obviously, the similarities are far greater:



The farm boy motif, the overalls, wide brimmed straw hat and waiving hand are strong similarities - to the point of near mirror images. Given the many ways Opposer use and portrays its Tennessee Pride Farmboy, including the Tennessee Pride Farmboy mascot (Ox 7 and OX 14), consumers are likely to associate them and the opposed mark with a common source; this is especially so since, as Applicant acknowledges, “a purchaser’s recollection of design marks is often of a general and hazy nature.” *See Applicant’s Memo*, p. 13.

The connotation conjured by the Tennessee Pride Farmboy and the opposed mark is essentially identical, as well. Applicant tries to characterize Opposer’s mark as a “pilgrim,” but no reasonable consumer would perceive the Tennessee Pride Farmboy this way. Pilgrims do not wear overalls and straw hats, or carry fishing poles. This natural impression is reinforced by Opposer, who has always, and prominently, referred to the Tennessee Pride mark as a “farmboy.” The very fact that Applicant feels the need to try and portray the Tennessee Pride Farmboy Logo as something it clearly is not – a “pilgrim” – speaks volumes as to actual consumer perceptions and the strong similarities of the marks in appearance and connotation.

**3. Tennessee Pride food products are closely related to Applicant’s retail grocery store services and are offered through identical channels of trade.**

Rather astoundingly, Applicant states that although Tennessee Pride food products are sold in grocery stores, they are not “the same as” grocery store services. They may not be the same, but they certainly are similar and closely related.

Grocery stores are precisely how the Tennessee Pride products reach the market (in large measure). But this is hardly the end of the association between Opposer’s products and grocery store services. Displays for the Tennessee Pride products, including a large cardboard cut-out of the

Tennessee Pride Farmboy, are featured in grocery stores. The Tennessee Pride Farmboy mascot visits grocery stores. In conjunction with grocery stores, Tennessee Pride sponsors promotional events – including store openings. Tennessee Pride coupons are redeemed at the grocery store; Tennessee Pride gives away grocery store gift cards. Tennessee Pride advertising frequently includes advertising for a particular grocery store chain. Tennessee Pride provides links to the web sites of major grocery store chains on its web site. The avenues of overlap and close association between the Tennessee Pride food products and business, and grocery stores and services are too numerous to catalog.

Consumers also are aware that grocery stores sell private label brand products. Odom Dec. ¶13. Opposer provides private label products. Hence, consumers could easily have the mistaken belief that there is an association between a grocery store logo and the well known logo of a food products manufacturer such as Tennessee Pride.

Moreover, Applicant uses the opposed mark on advertising of food products of other manufacturers. See Applicant's Exhibit H. In fact, in the past, Applicant's advertisements advertising its grocery store services have included sausage products – of Opposer's direct competitors. Odom Dec ¶11 and OX 15 (specimen in registration no. 1,222,958, obtained through the TDR data base).

The close similarity of the parties respective goods and services, and complete identity of their trade channels makes even more compelling the similarities of the opposed mark and the Tennessee Pride Farmboy Logo. See *Fossil Inc. v. Fossil Group*, 49 U.S.P.Q.2d 1451 (TTAB 1998) (“[A]s the degree of similarity of the goods of the parties increases, ‘the degree of similarity [of the marks] necessarily to support a conclusion of likely confusion declines.’”)

**4. The absence of evidence of actual confusion is not probative, let alone determinative.**

According to Applicant, it has used the opposed mark for little more than a year and a half.<sup>5</sup> There is no evidence as to the extent of this alleged use, or the geographic area(s) of such use in this limited time period. Thus, there is no basis to conclude that there has been an actual geographic or other market interface between the parties, and therefore, any opportunity for confusion to percolate. Moreover, it is unlikely that actual consumer confusion would be brought to the attention of Opposer; rather, it more likely would be raised, if at all, with the grocery stores and personnel. Odom Dec. ¶13.

Actual confusion is not necessary to show a likelihood of confusion, but more to the point, the absence of evidence of same is not probative, where also absent from the record is any evidence of long or extensive use of the opposed mark by the Applicant. *See Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 U.S.P.Q.2d 1001 (Fed. Cir. 2002). Applicant cites no case where the absence of evidence of actual confusion during a period of a year and a half of was even found probative, let alone controlling, of the issue of likelihood of confusion. *Cf. CAE, Inc. v. Clean Engineering, Inc.*, 267 F.3d 660, 686, 60 U.S.P.Q. 2d 1449 (7<sup>th</sup> Cir. 2001) (“Because . . . instances of actual confusion may be difficult to discover, the most that evidence of actual confusion can be said to indicate is that the record does not contain any evidence of actual confusion know to the parties.”).

---

<sup>5</sup> As set forth above, registration no. 1,222,958, was only amended to show the mark of that registration in its current form in 2003; thus, Applicant’s claim of use of that mark for thirty years simply is not credible. *See* pp. 8-9, *supra*. In any event, the use of the materially different marks of registration no. 1,222,958, have no bearing on the issue of likelihood of confusion between the opposed mark and the Tennessee Pride Logo. *See* pp. 11-13, *supra*. As to the marks of cancelled registrations nos. 1,222,760; 1,222,761; and 1,222,795, there is no evidence in the record of *any* use of these marks at *any* time.

#### IV. CONCLUSION

As a matter of law, Applicant cannot avail itself of the *Moorehouse* defense. The existing registration on which it seeks to rely is for a mark which is not substantially identical to the opposed mark; Applicant, itself, argued to the PTO that these differences were significant and material. The other three registrations on which Applicant attempts to rely were cancelled five years ago for the failure to submit a §8 declaration of use – four years before Applicant allegedly first used the opposed mark. Indeed, there is no evidence that these marks were ever used. In any event, the goods of these cancelled registrations clearly are not the same as, and are substantially more narrow than, the services of the opposed application. None of the elements of the *Moorehouse* defense, or laches, have been established.

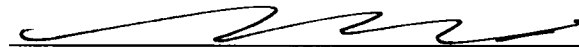
As to the issue of likelihood of confusion, the only admissible evidence of record shows that: the Tennessee Pride Farmboy Logo is strong and is closely similar in appearance and connotation to the opposed mark; that the parties respective goods and services are similar and closely related; and that such goods and services travel in identical channels of trade. Actual confusion, at best is a neutral factor, given the short time period of Applicant's use of the opposed mark, and the complete absence of any evidence of the extent of such use. Further, the Board "must resolve . . . doubts on the issue of likelihood of confusion in favor of opposer, the prior user and registrant." *Bongrain International v. Moguet*, 230 U.S.P.Q. 626, 628 (TTAB 1986). Therefore, Applicant cannot possibly be entitled to judgment, as a matter of law, on this issue.

Accordingly, and for all of the foregoing reasons, Applicant's Motion for summary judgment should be denied.

Respectfully submitted,  
ODOM'S TENNESSEE PRIDE SAUSAGE, INC.

Date: October 31, 2008

By:



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Mgentner@jhip.com

**Attorneys for Opposer**



**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of October, 2008, the foregoing Opposition of Odom's Tennessee Pride Sausage, Inc. to Applicant's Motion for Summary Judgment was served, by mailing same first class and postage prepaid, on the following correspondent as set forth in the records of the U.S. Patent and Trademark Office:

Scott W. Johnston, Esquire  
Merchant & Gould P.C.  
80 South Eighth Street  
Suite 3200  
Minneapolis, Minnesota 55402-0910

Jeresa L. Brooks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ODOM'S TENNESSEE PRIDE	)	
SAUSAGE, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91182173
	)	
FF ACQUISITION, L.L.C.	)	
	)	
Applicant.	)	

**DECLARATION OF LARRY D. ODOM**

1. I am President of the Opposer, Odom's Tennessee Pride Sausage, Inc. ("Tennessee Pride"). I make this declaration in support of Opposer's Opposition to Applicant's Motion for Summary Judgment in the above captioned proceeding.

2. Tennessee Pride was started in 1943 by my grandfather. Although it has always remained an Odom family run business, today, Tennessee Pride is one the largest privately owned sausage product companies in the United States. With plants in Little Rock, Arkansas and Dickson, Tennessee, and corporate offices in Madison, Tennessee, our company has grown to over seven hundred (700) "associates" (employees). Tennessee Pride attributes the success of its products and company to our commitment to quality, good taste, and food safety.

3. Tennessee Pride products include: fresh sausage patties, rolls and links; cooked sausage patties and links; breakfast sandwiches (with ingredients such as sausage, ham, bacon, eggs, cheese, biscuits, muffins and croissants); snack and party appetizers, and gravy. Our products are sold to consumers primarily to, and through, retail grocery stores, such as Kroger, Harris-Teeter, Jewel, Food Lion, Publix, Winn-Dixie, and Meijer, but also through large retailers such as Wal-Mart.

*See* Opposer's Exhibit ("OX") 1, attached, which is a print out from the Tennessee Pride web site listing of retailers which sell the Tennessee Pride products. We also sell our products directly to consumers, online. *See* Ox 2. In addition, Tennessee Pride products also are sold to, and through, the food service industry, in institutions such as hospitals and schools, and in restaurants, and we provide private label products and services, as well.

4. For much of our sixty-five (65) year history, Tennessee Pride has used a fanciful depiction of a (full bodied) farm boy with a straw hat, in overalls with bare feet to identify the Tennessee Pride products and business, and to distinguish those products and business from those of others. The Tennessee Pride farm boy figure has been depicted in various poses and perspectives, sometimes carrying a fishing pole, but mostly as a "full body"; the uses of the farm boy as a Tennessee Pride trademark are exemplified by the company's ten (10) registrations comprised of or containing such a design (copies of which were attached to Applicant's Motion for summary judgement, as Applicant's Exhibit F). [Hereafter, the various depiction of the farm boy registered and used by Tennessee Pride collectively will be referred to as the "Tennessee Pride Farmboy Logo."]

5. I have noted the Applicant's efforts to characterize the Tennessee Pride Farmboy Logo as a "pilgrim," but this Logo is, and always has been referred to by our company as, and intended to be, a farm boy – to highlight and suggest the farm fresh nature of the Tennessee Pride products. Pilgrims do not wear overalls; they are not associated with fishing poles, farm products, or Tennessee. In short, no reasonable consumer would view the Tennessee Pride Farmboy Logo, particularly in the context of our products and business, as a "pilgrim."

6. The Tennessee Pride Farmboy Logo is used in every facet of our business. The Tennessee Pride Farmboy Logo appears on the packaging of every one of our products. *See, e.g.* OX 3A- C. The Tennessee Pride Farmboy Logo prominently appears throughout our web site. *See, e.g.* OX 4. The Tennessee Pride Farmboy Logo appears on coupons (redeemable at grocery and retail stores) for our products. OX 5. The Tennessee Pride Farmboy Logo appears on in store displays, signs and other point of purchase materials; in fact, one of our in-store displays consists of a large, cardboard cut out figure of the Tennessee Pride Farmboy. *See, e.g.,* OX 6. The Tennessee Pride Farmboy Logo prominently appears on our company van. OX 7. The Tennessee Pride Farmboy Logo even appears on the large, outdoor sign at our corporate headquarters (OX 8), and each location has a bronze statue of the Tennessee Pride Farmboy. The Tennessee Pride Farmboy also appears on menus of some of the restaurants which serve Tennessee Pride products.

7. Tennessee Pride products are advertised and promoted extensively in a variety of ways, including via our web site ([www.tnpride.com](http://www.tnpride.com)), *see* OX 4, and in television and radio advertising. Attached as OX 9 is a DVD of sample television advertisements for our products. *See also* OX 10, which is a page from the Tennessee Pride web site from which various television commercials for our products may be viewed. In addition, Tennessee Pride products are advertised through the print media, in major city and local newspapers, such as *The Detroit Free Press*, *Atlanta Constitution*, *Cincinnati Enquirer* and *The Chicago Tribune*. Three to four times a year, Tennessee Pride distributes through local newspapers free standing inserts ("FSI"), which are coupons and advertising inserts. *See, e.g.,* OX 11A-D. These FSI's are distributed to over 27 million (27,000,000) households.

8. In substantially all of the advertising and promotion conducted for the Tennessee Pride products, both past and present, the Tennessee Pride Farmboy Logo has been prominently featured. For example in a 1950's television commercial featuring Grand Ole Opry characters "Lonzo and Oscar" an actual human "farm boy" joins the characters in (literally) singing the praises of Tennessee Pride products. A 1960's television commercial features an animated, dancing farm boy. And in commercials from the 1980's and 1990's, the Tennessee Pride Farmboy Logo appears to "jump" from its inanimate state on the product package, to an animated state. The prominent appearance of the Tennessee Pride Farmboy Logo as a featured animated character continues in our current television commercials. *See* OX 12 for these commercials, and also OX 10, which includes still shots of the Tennessee Pride Farmboy Logo in our current television commercials.

9. Throughout the years, Tennessee Pride also has conducted promotional events where free samples and other give-aways are distributed. For example, we have tied such promotions to events such as conventions (*e.g.* the "Sisters Only" consumer show with live entertainment held this year in Atlanta, Georgia), concerts by well known artists (*e.g.* country singer Kenny Chesney), and other entertainment events (for example, the USCA Extra Inning Bull Riding event – *see* OX 11D), promoting local outlets of grocery stores and the Tennessee Pride products with a drawing at the store for free tickets to the concert or event; frequently, these drawings and events are covered by local radio stations. *Id.* Tennessee Pride also frequently appears at state fairs, sponsoring and conducting cooking contests. *See, e.g.,* OX 11B. Free give aways, such as grill sets, t-shirts, bandannas, coloring books, recipe books and Tennessee Pride Farmboy stickers are distributed at these events. *See, e.g.,* OX 13.

10. At each of these promotional events, a life sized figure appears, in a Tennessee Pride Farmboy costume, much like a mascot. *See* OX 7. In fact, Tennessee Pride has a full time employee, whose job is solely to serve as the Tennessee Pride Farmboy mascot, making public appearances at promotional events and also at local outlets of retail grocery store chains. Thousands of people have attended these Tennessee Pride Farmboy personal appearances; for example, we estimate that over 30,000 attended one such event in Atlanta, September 13-14, 2008, and hundreds clamored to have their picture taken with the Tennessee Pride Farmboy. Tennessee Pride issues a monthly newsletters reporting the personal appearances of the Tennessee Pride Farmboy. Attached as OX 14A-C are the August, September and October 2008 newsletters; the newsletters accurately report the personal appearances made by the Tennessee Pride Farmboy during this time period. In short, the full figured farm boy in overalls and straw hat, whether in front or side view, animated or “still,” human or as a life-sized mascot, is an iconic image representing, and identified by the purchasing public with, our company and its Tennessee Pride products.

11. In its Motion for summary judgment, the Applicant claims that the Tennessee Pride products are not “similar” or “sufficiently related” to, and are not offered in the same channels of trade as, the Applicant’s grocery store services. Frankly, I find these assertions preposterous. The Tennessee Pride food products are sold, primarily, through retail grocery stores and grocery store chains. Much of the advertising and promotion of our products is done through, at, and/or in conjunction with, retail grocery stores. Our point of purchase materials – such as the large cardboard cut out of our Tennessee Pride Farmboy – prominently are displayed inside the grocery stores. In fact, attached (as OX 15) is an advertisement which I understand is a specimen obtained from the U.S. Patent and Trademark Office file for registration no. 1,222,958; advertised in this grocery store

advertisement are products which are identical to (in type), and directly competitive with, the Tennessee Pride sausage products. Tennessee Pride product coupons are redeemed at the grocery store, and we provide grocery store gift cards (*see, e.g.* OX 11A) as give aways. Our web site links to the web sites of grocery store chains (on the web page linked to the frame title "Store Locator"). Moreover, it is well known by consumers that most, if not all, grocery store chains sell their own private label food products.

12. I have looked at the boy head and shoulders logo depicted in Applicant's Exhibit A to its Motion. Prior to the publication of the opposed application, Tennessee Pride had no knowledge of the registration shown in Applicant's Exhibit A, or the amendment of the mark of that registration in 2002, and to this day, Tennessee Pride has had no personal knowledge of any actual use of the (original or amended) mark depicted therein by the Applicant (or any other party) for grocery store services; obviously, we cannot object to something we know nothing about. (Nor, prior to the service of Applicant's summary judgment Motion, did we have any knowledge of any of the expired registrations shown in Applicant's Exhibits B, C, or D, or of any actual use of the marks depicted in those long expired registrations.) Further, the bust shown in Applicant's Exhibit A is a substantially different logo from the full length farm boy logo shown in the opposed application, and as shown in Applicant's Exhibit H as purportedly used by Applicant. The opposed mark creates a completely different overall commercial impression from the "bust" shown in Applicant's Exhibit A.

13. As I understand it, Applicant claims to have used the opposed, full figure farm boy in overalls, only since March 27, 2007. There is no indication as to how extensive the use or public exposure of such mark has been in this short, year and a half time period. Nor is there any indication

of where, geographically, the Applicant's stores are located, but I am not aware that Tennessee Pride products are sold in the same geographic area(s) where Applicant's stores are located. Regardless, it is unlikely that any actual consumer confusion would come to our attention; rather, if raised or exhibited, it would be to our grocery store customers.

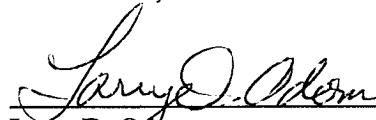
14. The full figured farm boy mark (in overalls with straw hat) which is the subject of the opposed application is closely similar in overall appearance to the Tennessee Pride Farmboy Logo in its various formats used and registered, such that consumers are likely to be confused by the use of the opposed mark in connection with grocery store services, vis-a-vis our Tennessee Pride Farmboy Logo as used in connection with our food products sold through grocery stores. Thus, contrary to Applicant's assertion, Tennessee Pride stands to suffer substantial damage by the registration of the (new) opposed mark of Applicant.

15. I declare that all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and the above statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the present document or proceeding involving same.

ODOM'S TENNESSEE PRIDE  
SAUSAGE, INC.

Date: October 29, 2008

By:

  
\_\_\_\_\_  
Larry D. Odom  
President



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You can find Odom's Tennessee Pride Sausage products at these and other fine retailers:

**BI-LO****Bruno's**  
•••••**Dillon's****Dominick's****FOOD CITY****FOOD LION****Harris Teeter**  
Your Neighborhood Food Market**Ingles****Jewel-Osco****Kash n' Karry****KING**  
Soopers**Kroger**Higher Standards  
**meijer**  
Lowest Prices**piggly wiggly****Publix****Schnucks****SUPERVALU****WAL-MART**  
Neighborhood Market**WAL-MART**  
SUPERCENTER**Winn-Dixie**

BI-LO    Bruno's  
Harris Teeter  
Kroger Stores  
SUPERVALU

Dillon's  
Ingles Markets  
Meijer  
Wal-Mart

Dominick's  
Jewel  
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PERCADO-Bayonne, N. J.

OPPOSER'S  
EXHIBIT

1



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## Welcome to TN Pride.com

Take home a pound or two  
of

## Tennessee Pride!

**3-Pack - 1 lb. Sage Roll Sausage**  
**Our Price: \$14.99**

[\\* more info](#)



Add some old fashioned spice to your sausage experience. Our sage sausage will surely please those who like a little traditional western flavor in their sausage.

**ALL Tennessee Pride Sausage products are shipped frozen from our distribution centers.**

**4-Pack - 8 oz. Sausage Gravy**  
**Our Price: \$7.99**

[\\* more info](#)



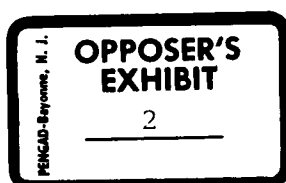
Here is a product with real convenience. Genuine, Tennessee Pride sausage in a traditional white gravy, ready to heat in a 8-ounce pouch. Ready in seconds from the microwave, our sausage gravy is the perfect compliment to your breakfast.

**All Tennessee Pride Sausage products are shipped frozen from our distribution centers.**

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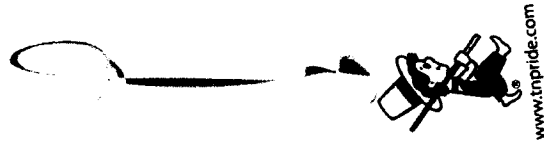
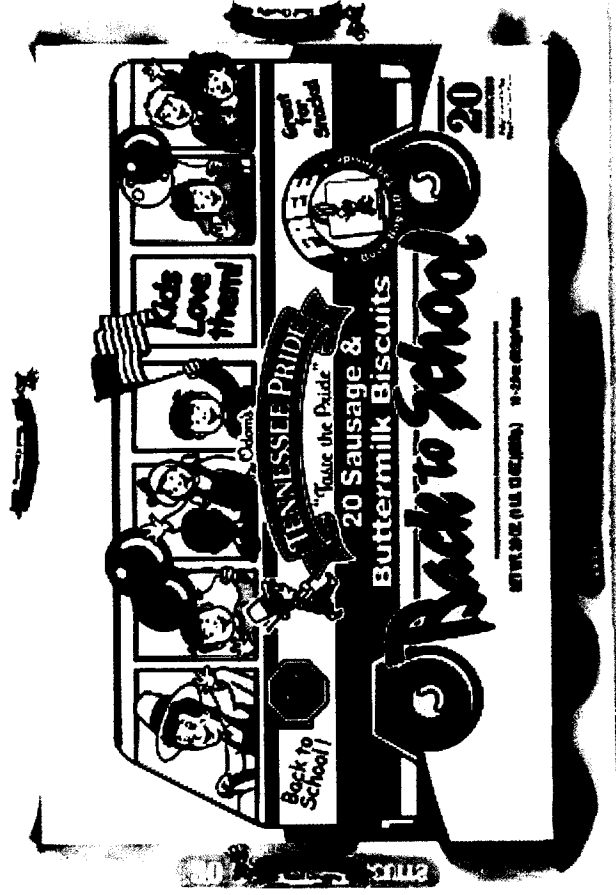


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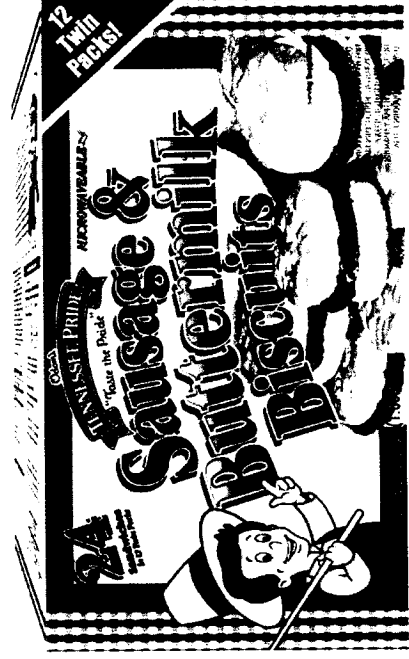
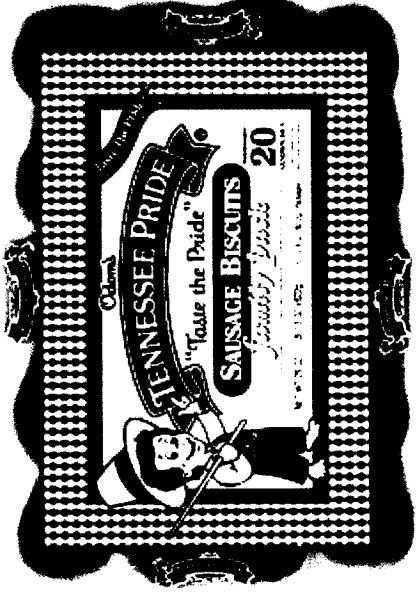
# Examples of Tennessee Pride Farmboy Use

- Packaging (and in-pack Farmboy premium)

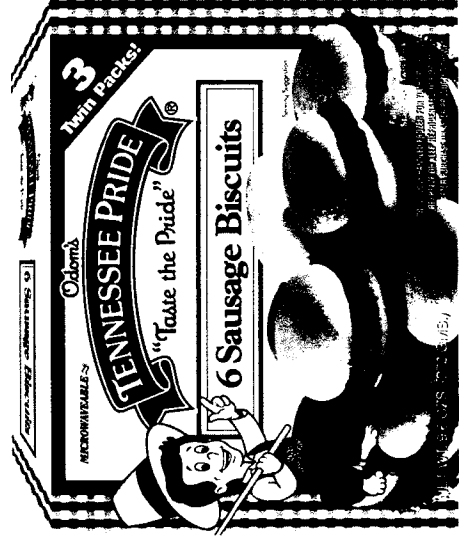


www.tnpride.com

# Examples of Tennessee Pride Farmboy Use – Packaging



# Examples of Tennessee Pride Farmboy Use – Packaging



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## Welcome!

We are glad you stopped by to visit our website. For over 60 years the Tennessee Pride brand has represented the best in sausage products, featuring the highest quality and real country flavor that our consumers love.

Our website is just one of the ways that we seek to better serve you. You will find lots of information here about our products. We hope you enjoy your visit and come back often. New recipes featuring our products are always available and you will hear about new products here first.

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**Our All Natural mild flavor  
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health conscious shopper!**

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Watch for our ad in your local newspaper on Sunday, November 16th. There will be two money-saving coupons, and a special holiday recipe. You'll be sure to please all of your holiday guests, and save money, too!



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continue to the next step.**

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Sandwiches!**



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## Sausage-Stuffed Apples

### Ingredients

- 1 pound Odom's Tennessee Pride Country Sausage (mild, sage or hot)
- 6 to 8 large Golden Delicious apples
- ½ cup finely chopped onion
- ½ cup finely chopped celery
- ½ cup seasoned bread crumbs
- 1 egg, beaten

### Directions

Preheat oven to 375° F. Grease a 13 x 9 x 2-inch baking pan. Core apples, scoop out pulp leaving shells about ½ inch thick. Peel about ¼ way down tops of apples. Chop apple pulp reserving 1 cup. Place apples in prepared pan. Combine sausage, onion, celery, bread crumbs, apple pulp and egg in mixing bowl. Blend well with hands. Spoon sausage mixture into apple cavities. Bake 45 minutes or until sausage is cooked through and apples are tender.

Makes 6 to 8 servings.

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FEATURED RECIPE

BREAKFAST

MAIN DISH

SIDE DISH

APPETIZERS/SNACKS

SOUPS &amp; STEWS

SANDWICHES

BREAD

**Country Style Chili Con Cornbread**

- 1 recipe Tennessee Pride Country Chili (See Country Style Chili Recipe)
- 1½ cups self-rising cornmeal mix
- 1 egg, beaten
- ¾ cup milk
- ¼ cup vegetable oil
- 1½ (6 oz.) cups shredded sharp cheddar cheese, divided



Preheat oven to 400° F. Combine cornmeal mix, egg, milk, oil, and 1 cup of the cheese in mixing bowl; blend well. Place chili in 13 x 9 x 2-inch baking dish. Spoon cornbread batter over chili. Sprinkle with remaining ½ cup cheese. Bake 30 to 35 minutes or until heated through and cornbread is golden brown.

Makes 8 servings.

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## News & Events



Odom's TN Pride Sausage, Inc. is proud to be a Pencil Partner. PENCIL Partners are Nashville-area businesses, organizations, and faith communities who partner with a Nashville public school. PENCIL Partners volunteer time and other resources to help children achieve academically, develop life skills, and make a successful transition from school to career.



Tennessee Pride is proud to sponsor many exciting events throughout the year. We hope you will join us at the events below and enjoy free samples and other "goodies." And, watch for the Tennessee Pride Farmboy at these events, and at store visits all year long.

Here is a sampling of some upcoming events:

### **October 21, 2008 Wal-Mart Store Visit**

4100 West Airport Freeway.  
 Irving, TX 75061  
 8:30 am - 11:30 am

1635 Market Place Blvd.  
 Irving (North), TX 75063  
 2:00 pm - 5:00 pm

### **October 22, 2008 Wal-Mart Store Visit**

18121 Marsh Lane.  
 Dallas (NW), TX 75287  
 9:00 am - 12:00 pm

1521 North Cockrell Hill Rd.  
 Dallas (W), TX 75211  
 2:00 pm - 5:00 pm

### **October 23, 2008 Wal-Mart Store Visit**

1213 E. Trinity Mills Rd.  
 Carrollton, TX 75006  
 9:00 am - 12:00 pm

425 Colt Rd.  
 Plano, TX 75075  
 2:00 pm - 5:00 pm

### **October 24, 2008 Wal-Mart Store Visit**





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## HISTORY

## LOCATIONS

## MEDIA

## AFFILIATIONS

### Corporate Office

1201 Neely's Bend Road  
Madison, TN 37115  
(615) 868-1360  
Fax: (615) 860-4703

### Arkansas Plant

4701 Asher Avenue  
Little Rock, AR 72204  
(501) 568-7660  
Fax: (501) 565-8086

### Tennessee Plant

1655 Old Columbia Road  
Dickson, TN 37055  
(615) 446-7534  
Fax: (615) 446-4560



# OPPOSER'S EXHIBIT 5

[illegible]


  
**Save \$1<sup>00</sup>**
  
*on any Tennessee*
  
**Pride Sandwich**
  
*Product*

**TASTE *the* PRIDE**


*Chops*


**TENNESSEE PRIDE**  
Pork Chops, Sausage

**CROISSANT DELI**  
ESTABLISHED 1988


See other great new products and recipe ideas, visit us at [www.croissant.com](http://www.croissant.com)

Manufacture's Coupon Expires 2/28/08


  
**Save \$1<sup>00</sup>**
  
*when you purchase any  
 one Odom's Tennessee  
 Pride product*



Odom's Tennessee Pride products are available in all Odom's stores. For more information, visit [www.odoms.com](http://www.odoms.com).  
 This coupon is valid only on the purchase of one Odom's Tennessee Pride product. The coupon is not valid on purchases of Odom's Tennessee Pride products that are already discounted. The coupon is not valid on purchases of Odom's Tennessee Pride products that are already discounted. The coupon is not valid on purchases of Odom's Tennessee Pride products that are already discounted.


  
 72290-00076 (81000) 1310

# OPPOSER'S EXHIBIT 6

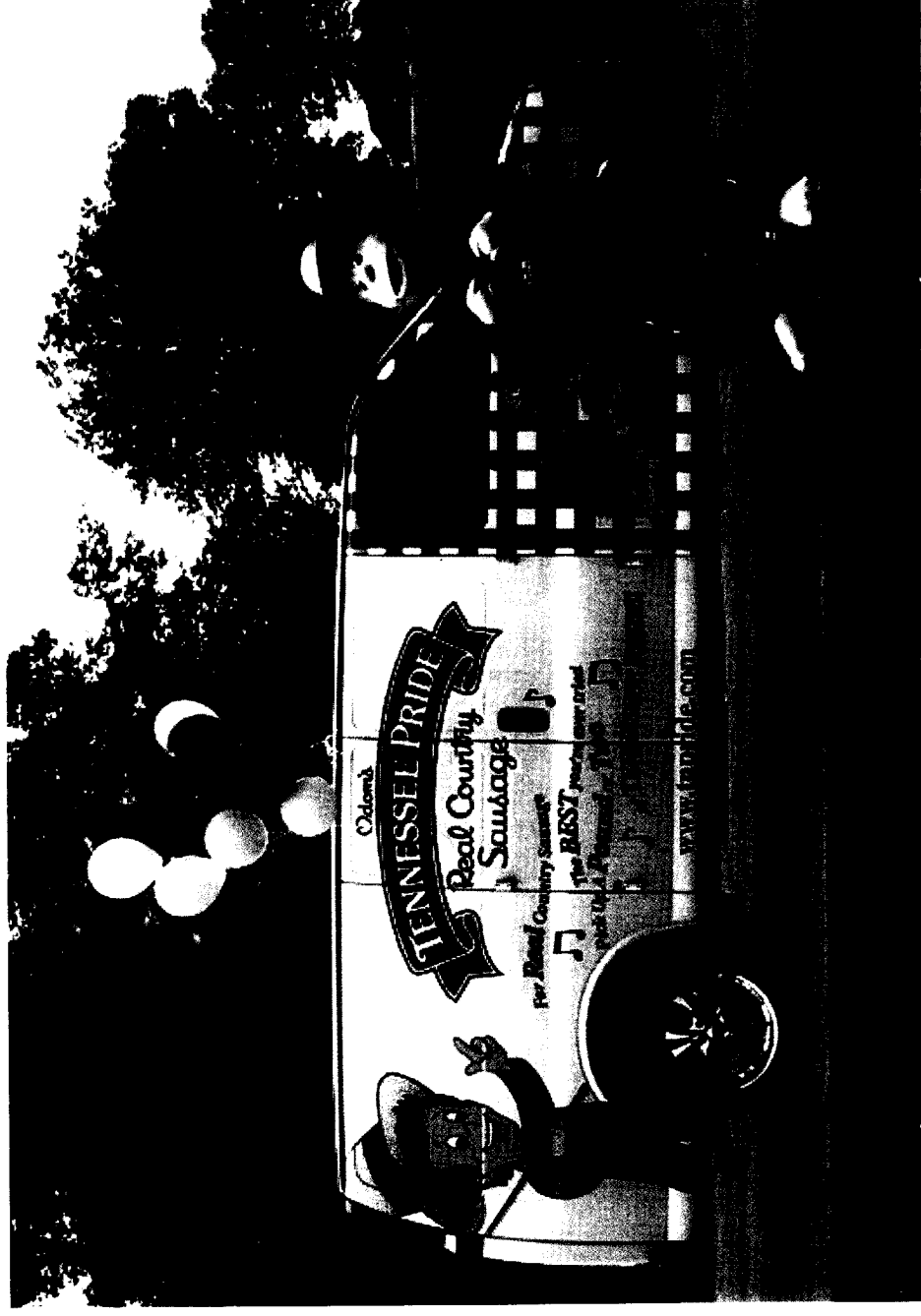
## Examples of Tennessee Pride Farmboy Use – In-store Point-of-Sale Signs





# Examples of Tennessee Pride Farmboy Use

- Mobile Marketing (*Full-time Employee*)





ENCLOSURE, N. J.

**OPPOSER'S  
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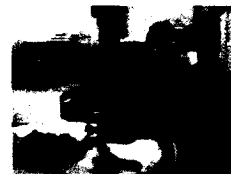
CLICK HERE to view the 1950's TV Commercial Featuring Lonzo & Oscar from the Grand Ole Opry



CLICK HERE to view the 1960's TV Commercial Animated featuring Farmboy & Doug Odom Sr.



CLICK HERE to view the 1970's TV Commercial Featuring Tom Woodard



CLICK HERE to view the 1980's TV Commercial Featuring Sausage Biscuits



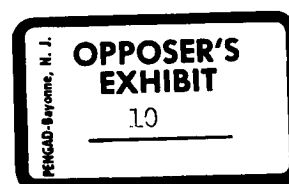
CLICK HERE to view the 1993 TV Commercial - Something New



CLICK HERE to view the Taste the Sunrise TV ad



CLICK HERE to view the 1995 TV Commercial - Firehouse Pancake Breakfast





[CLICK HERE](#) to view the Talk of the Town Segment - 10/3/2001 - Angela McCorkle - Recipe



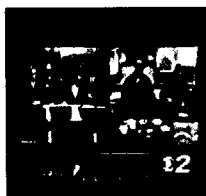
[CLICK HERE](#) to listen to the Current Version of OTP Jingle performed by Pine Mountain Railroad



[CLICK HERE](#) to listen to the Live Version of OTP Jingle performed by Pine Mountain Railroad



[CLICK HERE](#) to listen to the Early Version of OTP Jingle with Mr. Doug Odom, Sr.



[CLICK HERE](#) to view Tennessee Pride featured on Channel 2 News.



[CLICK HERE](#) to View Our Current TV Commercial Featuring the 12ct Sausage & Biscuit Sandwiches



[CLICK HERE](#) to View Our Current TV Commercial Featuring the Meal Size Sandwiches

# Examples of Tennessee Pride Farmboy Use — In Newspaper Ads

**Start your day in a fast, delicious way!**

**Tennessee Pride**  
"Tear the Pride"

**12 Sausage Biscuits**

**Tennessee Pride**  
"Tear the Pride"

**12 Sausage & Buttermilk Biscuits**

**Save \$1.00**  
on ANY Tennessee Pride Breakfast Sandwich Product

Manufacturer's Coupon Expires 12/31/98

For additional details, see product packaging or visit our website at [www.tnpride.com](http://www.tnpride.com). You can also call 1-800-888-8888 for more information.

**Win Kroger gift cards!**

**\$1,400 in Kroger gift cards to be given away!**

- One winner will be drawn every hour at the Kroger stores listed below.
- Each winner will receive a \$50 Kroger gift card.
- There will be six winners per store.
- A Grand prize of a \$500 Kroger gift card will be awarded on Sunday, June 29 at 6 PM from names entered at all of the Kroger stores shown below.

Look for the Tennessee Pride Van and Farmboy at these stores! Farmboy will have lots of goodies to give away, including cookbooks, coloring books, coupons and more.

**Friday, June 27, Noon - 6pm**  
Kroger - 730 Walkins Road, Maryville

**Saturday, June 28, Noon - 6pm**  
Kroger - 4409 Chapman Hwy., Knoxville

**Sunday, June 29, Noon - 6pm**  
Kroger - 6702 Clinton Hwy., Knoxville

**Save \$1.00**  
on ANY Olden's Tennessee Pride Product

Manufacturer's Coupon Expires 12/31/98

For additional details, see product packaging or visit our website at [www.tnpride.com](http://www.tnpride.com). You can also call 1-800-888-8888 for more information.

# Examples of Tennessee Pride Farmboy Use — Newspaper Ads

**BREAKFAST**  
*just got*  
**FASTER!**

*with Tennessee Pride Real Country Sausage*

For other great products and recipe ideas, visit us at [www.tnpride.com](http://www.tnpride.com). You can also print an additional coupon from your computer!

**Save \$1 (M) on 11 Oz. of Tennessee Pride Sausage Product!**

Manufacturer's Coupon Expires 12/31/02

72290 13076 1 0000 1330

**October 19th is**  
**TENNESSEE PRIDE**  
**Day**  
*at the*  
**Arkansas State Fair!**

*Tennessee Pride is a proud sponsor of the Arkansas State Fair*

Be sure to visit the cooking contest Sunday at 2 PM in the Creative Arts and Crafts Building featuring Tennessee Pride Real Country Sausage!

Save \$2.00 off of admission by bringing a Tennessee Pride Real Country Sausage proof of purchase (UPC symbol) with you to the gate.

Stop by the Tennessee Pride tent Saturday and Sunday for lots of FREE goodies!

**The Farmboy will be in Little Rock this week!**

Stop by to get free prizes and enter to win tickets to the Fair!

UPC: 72290 13076 1 0000 1330

Visit [www.tnpride.com](http://www.tnpride.com) for information on our products and great recipe ideas. You can also submit a recipe and print off a coupon.

PENGAD - Bayonne, N. J.

**OPPOSER'S  
EXHIBIT**

11B

# Examples of Tennessee Pride Farmboy Use

## – Newspaper Ads

# – Newspaper Ads

# – Newspaper Ads

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Manufacturer's Coupon Expires 3/31/92

# Save \$1.00

on any *Tennessee*  
*Pride Sandwich*  
Product

To receive this coupon, you must purchase a sandwich with the following fillings: ham, cheese, and pickles. Available in the U.S. only. Good until 3/31/92. Void where prohibited. For the complete list of participating restaurants, visit our website at [www.tnpride.com](http://www.tnpride.com). Tennessee Proud Sandwiches, Inc. 10000 Highway 100, Nashville, TN 37203. Please Print and Mail.

772290130746 (8 X20) X358A

**TASTE the PRIDE**

*Oldham's*

**TENNESSEE PRIDE**  
Real Country Sausage

**CROISSANT**  
REAL COUNTRY SAUSAGE


Get other Oldham's real products and recipe ideas. Visit us online. Visit us at [www.oldhams.com](http://www.oldhams.com)

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# Examples of Tennessee Pride Farmboy Use

## — Newspaper Ad



# TENNESSEE PRIDE

*is a proud sponsor of*

## USCA Extra Inning Bull Riding

**Saturday, January 20, 2007 @ 8:00 p.m.**  
(James Brown Arena)

Stop by the participating Kroger stores shown below to see the Tennessee Pride Farmboy and join in the fun with your friends from WKXC-FM KICKS radio station (99.5 FM).

- ★ Two Rodeo tickets will be given away every 15 minutes and you **MUST** be present to WIN!
- ★ Tennessee Pride will be giving away free cookbooks, bandanas and more!

Come early to the Rodeo for FREE samples of Tennessee Pride Real Country Sausage and live bluegrass music presented by Pine Mountain Railroad!

**The Farmboy will be in Augusta this week!**  
Stop by to get free prizes and enter to win tickets to the Rodeo!

**Right Store. Right Price.**

DATE	TIME	STORE LOCATION
Wednesday, Jan 17	4:00-8:00 PM	1000 N. 5th St., Augusta, GA
Thursday, Jan 18	4:00-8:00 PM	1000 N. 5th St., Augusta, GA
Friday, Jan 19	4:00-8:00 PM	1000 N. 5th St., Augusta, GA
Saturday, Jan 20	4:00-8:00 PM	1000 N. 5th St., Augusta, GA

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CD-ROM

OPPOSER'S EXHIBIT 12



PENCAD-Bayonne, N. J.  
**OPPOSER'S  
EXHIBIT**  
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# Real Country Recipes

More recipes  
available at  
[www.tnpride.com](http://www.tnpride.com)



Dear Friends,

Recipes contained in this cookbook have been collected throughout the years from family, employees, neighbors and friends like you. They have been carefully chosen as some of our best, and we hope you and your family enjoy them.



The wonderful variety of recipes using Odom's Tennessee Pride Real County Sausage shows we are more than just a "breakfast" sausage company. We hope you'll agree after trying some of these great recipes for yourself.

Collecting great sausage recipes is an ongoing process. If you have a recipe idea using Odom's Tennessee Pride sausage, we would love to hear from you. Please drop us a note, or visit us at [www.tnpride.com](http://www.tnpride.com) and submit your recipe online.

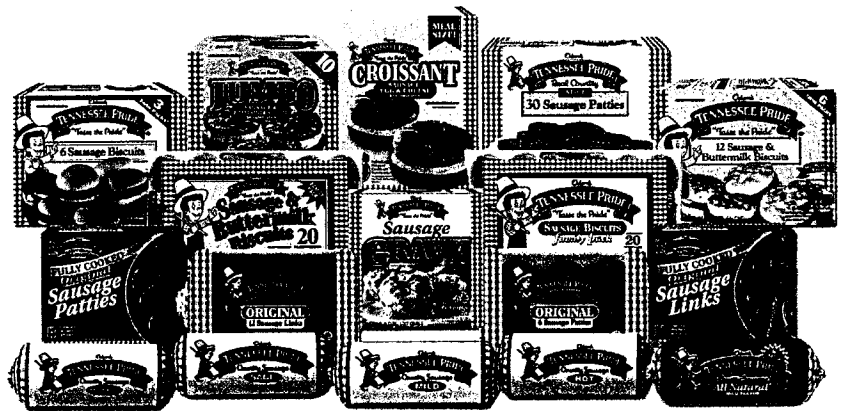
Thank you for your continued support. We look forward to hearing from you. Happy cooking!

Sincerely,

*Larry D. Odom*

Larry D. Odom  
President & CEO

Odom's Tennessee Pride Sausage, Inc.



# Real Country Recipes

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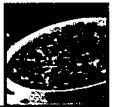
■ Soups & Stews

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■ Main Course

33



■ Side Dishes

44



## ■ Breakfast Crescent Pizza

1 lb. Odom's Tennessee Pride Country Sausage (mild or hot), cooked, crumbled, drained  
1 package (8 oz.) refrigerated crescent roll dough  
1 cup frozen southern-style hash browns, thawed  
1 cup (4 oz.) shredded cheddar cheese  
5 eggs  
1 teaspoon mustard (optional)  
¼ cup milk  
Salt and black pepper, to taste



Preheat oven to 375° F. Grease a 12-inch round pizza pan or a 13 x 9 x 2-inch baking pan. Arrange crescent rolls on bottom of pan; flatten and press edges up sides of pan slightly. Spoon sausage over crust. Sprinkle with potatoes; top with cheddar cheese. Whisk eggs, mustard, and milk in mixing bowl until well blended; pour over casserole. Bake 25 to 30 minutes or until set and golden brown. Season with salt and pepper. **Makes 6 servings.**

## ■ Brunch Sausage Casserole

2 lbs. Odom's Tennessee Pride Country Sausage (mild or hot)  
2 cups chopped onion  
2 cups cooked rice  
2 cups crispy rice cereal  
2 cups (8 oz.) shredded cheddar cheese  
1 can (10 ¾ oz.) condensed cream of celery soup  
1 can (12 oz.) evaporated milk  
2 eggs, beaten

Grease a 3-quart baking dish. Cook sausage in large skillet until browned. Remove with slotted spoon and drain on paper towels. Cook onion in drippings in skillet until tender. Combine sausage, onion, rice, rice cereal, and cheese in large mixing bowl. Stir in soup, milk, and eggs; blend well. Pour into prepared baking dish. Bake 30-35 minutes or until bubbly and heated thoroughly. **Makes 10 to 12 servings.**

## ■ Breakfast Yorkshire Pudding

---

½ lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
1 cup milk  
2 eggs  
1 cup flour  
½ teaspoon salt  
¼ cup water

Preheat oven to 450° F. Combine milk, eggs, flour, and salt in mixing bowl. Beat with a fork until well blended; set aside. Cook sausage in 8- or 9-inch cast-iron skillet until browned. Do not drain. Stir in water and bring to a boil. Remove from heat and spread sausage evenly in skillet. Pour batter evenly over sausage. Bake 20 to 25 minutes or until golden brown. Cut into wedges. Serve Yorkshire Pudding plain or with maple syrup or honey. Makes 4 to 6 servings.

## ■ Potato Sweet Pepper Frittata

---

½ lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
3 to 4 tablespoons oil, divided  
2 cups diced potatoes  
1 medium onion, chopped  
1 cup chopped green pepper  
1 clove garlic  
8 eggs, beaten  
Salt and black pepper, to taste  
2 tablespoons grated Parmesan cheese

Cook sausage in large cast-iron or oven-proof, non-stick skillet until browned. Remove with slotted spoon and drain on paper towels. Add 1 to 2 tablespoons of the oil to drippings in the skillet. Add potatoes, onion, green pepper, and garlic; cook and stir until potatoes are tender. Place vegetables in large mixing bowl. Stir in sausage, eggs, salt, black pepper, and cheese; blend well. Heat remaining oil in same skillet over medium low heat. Add egg mixture. Cook over low heat until eggs are set and only the surface is slightly runny. Place skillet under broiler to cook the surface, about 20 to 30 seconds. Loosen edges and turn out onto a large platter. Cut into wedges. Makes 8 servings.



## ■ Sausage Quiche

½ lb. Odom's Tennessee Pride Country Sausage  
(mild or hot); cooked, crumbled, and drained  
1 9 inch, deep dish pie shell, uncooked  
2 cups (8 oz.) shredded sharp cheddar cheese  
4 eggs, beaten  
1 cup milk  
Black pepper, to taste



Preheat oven to 350° F. Place sausage in pie shell. Sprinkle cheese over sausage. Whisk eggs, milk, and pepper in mixing bowl until well blended; pour over sausage and cheese. Bake 50 minutes to 1 hour or until set and golden brown. **Makes 6 servings.**

## ■ Sausage Strata

¾ lb. Odom's Tennessee Pride Country Sausage (mild)  
1 small onion, chopped  
2 garlic cloves, minced  
3 4-oz. cans sliced mushrooms, drained  
1 10-oz. box chopped frozen spinach, thawed, squeezed dry  
1 ½ teaspoons salt (divided)  
½ teaspoon black pepper (divided)  
8 cups cubed Italian bread, from a 1 lb. loaf  
3 cups finely shredded pizza cheese  
10 eggs  
3 cups whole milk

Crumble sausage in a very large skillet. Cook until it starts to lose its pink color; add onions and mushrooms; cook for 5 minutes. Add garlic and spinach and cook an additional 5 minutes. Add 1 teaspoon salt and ¼ teaspoon pepper, stir and set aside. Place 4 cups of bread cubes in bottom of 4 quart baking dish. Sprinkle half of the cheese over bread, then top with half the sausage mixture. Repeat layering. Whisk milk, eggs, and remaining salt and pepper in large bowl and pour evenly over bread-sausage-cheese layers. Cover with plastic wrap and chill for a minimum of 2 hours, up to 12 hours. Preheat oven to 350°F. Bake uncovered until puffed, golden brown and cooked through, 40-45 minutes. Let stand 5 minutes before serving. **Serving suggestion:** for a hectic holiday morning breakfast, add a mixed fruit cup and coffee for a complete meal!

## ■ Shirred Brunch Eggs

---

1 lb. Odom's Tennessee Pride Country Sausage (mild or hot), sliced into 8 patties

8 eggs

Salt and black pepper, to taste

1 medium tomato, chopped

¼ cup chopped fresh parsley

½ cup (2 oz.) shredded cheddar cheese

Preheat oven to 350° F. Butter 8 custard or muffin cups. Cook sausage patties until browned; drain. Place a patty in the bottom of each custard cup. Break an egg over each. Season with salt and pepper. Sprinkle evenly with tomato, parsley, and cheese. Bake 10 to 15 minutes or until eggs are set. Serve in custard cups or loosen edges of egg/sausage and gently lift from muffin cups. **Makes 8 servings.**

## ■ Sausage Cheese Grits Casserole

---

1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)

1 cup chopped onion

1 cup chopped green or red bell pepper

4 cups water

1 cup quick grits

1 ½ cups (6 oz.) shredded sharp cheddar cheese, divided

½ teaspoon salt

2 teaspoons Worcestershire sauce

¼ teaspoon garlic powder

3 eggs, beaten

¾ cup milk

Preheat oven to 350° F. Grease a 3-quart baking dish. Cook sausage in large skillet until browned. Remove with slotted spoon and drain on paper towels. Cook onion and green pepper in drippings in skillet until tender; remove and set aside. Bring water to a boil in large saucepan. Slowly stir in grits. Cover, reduce heat, and simmer about 5 minutes, stirring occasionally. Remove from heat. Stir in 1 cup cheese, salt, Worcestershire sauce, garlic powder, eggs, milk, sausage, and vegetables; blend well. Pour into prepared baking dish. Sprinkle with remaining ½ cup cheese. Bake 45 to 55 minutes or until set and golden brown. **Makes 8 servings.**

## ■ Waffles with Sautéed Sausage & Apples

---

1 pkg. Odom's Tennessee Pride Country Sausage Links, cut into 1-inch pieces  
2 large Golden Delicious apples, peeled, cored, and coarsely chopped  
Maple syrup  
3 eggs, beaten  
1 ½ cups milk  
½ cup oil  
2 cups flour  
1 tablespoon baking powder  
½ teaspoon salt  
2 tablespoons sugar

Cook sausage links in large skillet until browned. Stir in apples and cook until tender, about 5 minutes; keep warm.

Grease and preheat waffle iron. Blend eggs, milk and oil in mixing bowl. Stir in dry ingredients until well blended. Pour batter into heated waffle iron. Bake until steaming stops and waffles are light golden brown. Makes 12 4-inch waffles.

Spoon sausage apple mixture over waffles. Serve with warm maple syrup. Makes 4 to 6 servings.

## ■ Squaw Corn & Sausage

---

½ lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
1 cup coarsely chopped red bell pepper  
1 can (16.5 oz.) cream-style corn  
4 eggs, beaten  
Black pepper, to taste  
2 tablespoons chopped fresh parsley

Cook sausage and red pepper in large skillet until sausage is browned and pepper is tender. Stir in corn. Cook until bubbly. Add eggs. Cook and stir over medium heat about 7 to 10 minutes or until eggs are set. Season with pepper. Garnish with parsley. Makes 4 to 6 servings.

# Appetizers & Snacks

## ■ Sausage Cheddar Balls

---

1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
2 cups (8 oz.) shredded sharp cheddar cheese  
2 to 3 cups all-purpose baking mix

Preheat oven to 375° F. Combine sausage and cheese in large mixing bowl. Blend in baking mix with hands until well mixed. Roll into 1-inch balls and place on an ungreased baking sheet. Bake 10 to 15 minutes or until golden brown. Serve warm or at room temperature.

*You can also purchase pre-formed Odom's Tennessee Pride Sausage Cheddar Balls. Look in your grocer's frozen food section. Just bake and serve.*



## ■ Cocktail Sausage Balls

- 1 lb. Odom's Tennessee Pride Country Sausage (hot)
- 1 lb. Odom's Tennessee Pride Country Sausage (mild)
- 1 cup apple jelly
- ½ cup prepared yellow mustard

Combine hot and mild sausage in mixing bowl; blend well with hands. Form into bite-size balls; set aside. Heat jelly and mustard in a large skillet until jelly has dissolved. Add sausage balls to skillet and simmer 30 to 40 minutes. Serve warm from a chafing dish. **Makes about 50 to 60 meatballs.**

*A favorite of Larry and Kathy Odom. Simple apple jelly and yellow mustard, cooked down to become an unbelievably tasty sweet/hot sauce that nicely coats the sausage balls.*

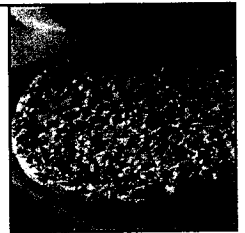
## ■ Sausage Pizza

- ½ lb. Odom's Tennessee Pride Country Sausage (mild or hot), cooked, crumbled, and drained
- 1 cup pizza or marinara sauce
- 1 can (10 oz.) refrigerated pizza dough or a 12-inch pizza crust

Your favorite toppings, such as sliced green pepper, onions, mushrooms, green or black olives, and Italian seasoning

2 cups (8 oz.) shredded mozzarella cheese

Preheat oven to 425° F. Spread sauce over pizza crust in pizza pan or on baking sheet. Sprinkle with sausage, your favorite toppings, and cheese. Bake 15 to 20 minutes or until cheese is bubbly and crust is golden brown. **Makes 4 to 6 servings.**



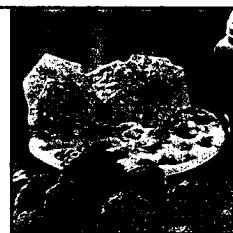
## ■ Taco Salad Dip

1 lb. Odom's Tennessee Pride Country Sausage (mild or hot), cooked, crumbled, and drained  
1 can (16 oz.) refried beans  
1 package (1.25 oz.) taco seasoning mix  
3 medium avocados, mashed with 1 tablespoon lemon juice  
1 carton (8 oz.) sour cream  
1 can (4 oz.) chopped green chilies  
2 medium tomatoes, chopped  
3 to 4 cups shredded lettuce  
1 can (2 ¼ oz.) sliced black olives  
2 cups (8 oz.) shredded cheddar cheese  
Tortilla chips

Combine beans with taco seasoning mix. Spread into 13 x 9 x 2-inch baking dish. Spread with avocados, then with sour cream. Layer sausage, green chilies, tomatoes, lettuce, olives, and cheese. Serve with tortilla chips. Makes 6 to 8 servings.

## ■ Tennessee Pride Hot Dip

1 lb. Odom's Tennessee Pride Country Sausage (hot) browned, drained, and crumbled  
1 ½ lbs. pasteurized process cheese spread, cubed  
1 can (10 oz.) diced tomatoes and green chilies or  
1 ½ cups picante sauce  
Tortilla chips



Combine sausage, cheese, and tomatoes in crock pot, microwave-safe dish, or double broiler. Cook with low heat until cheese is melted, stirring occasionally. Serve with tortilla chips. Makes about 5 cups.

# Breads

## ■ Sausage Cornbread

½ lb. Odom's Tennessee Pride Country Sausage (mild, sage, or hot),  
cooked crumbled, and drained

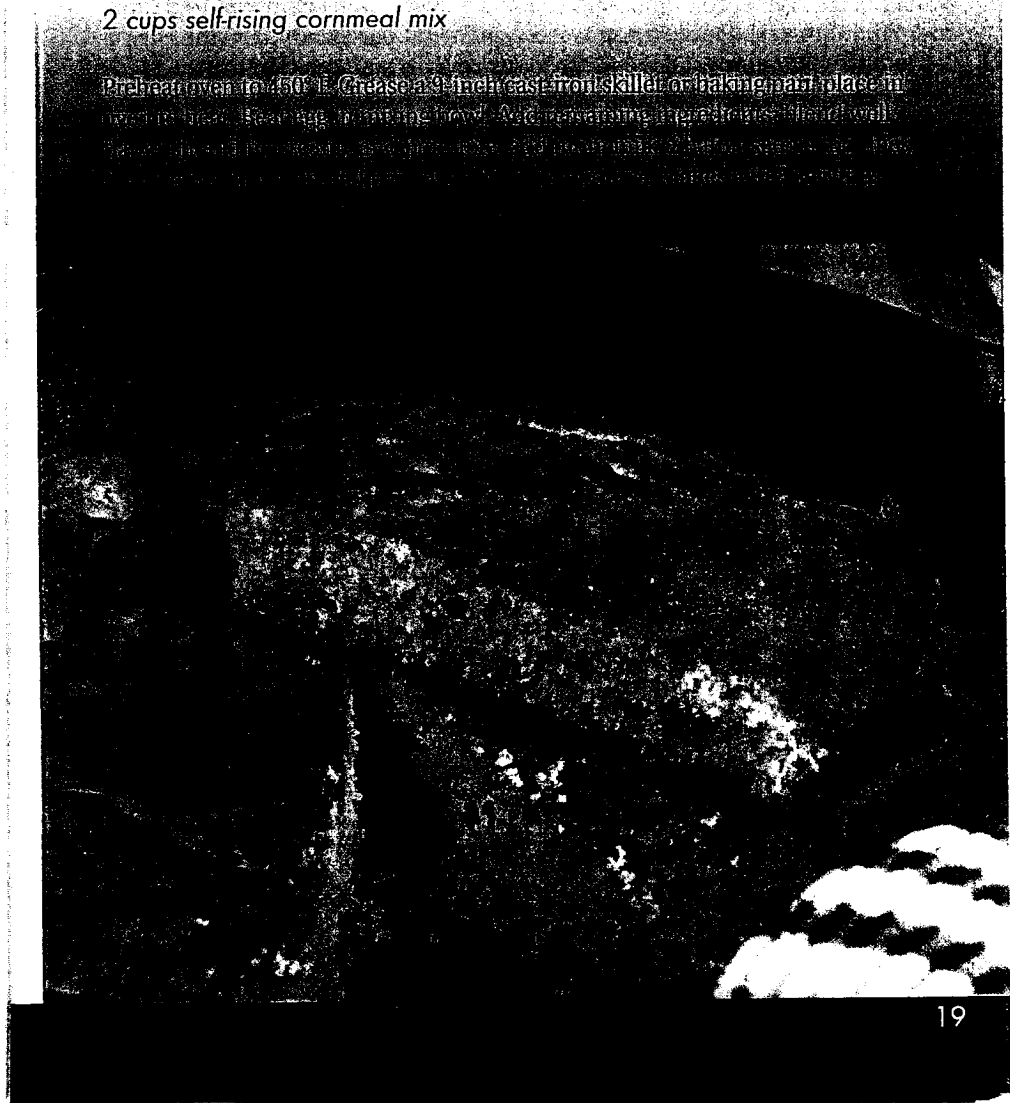
1 egg

1 ½ cups milk or 1 ¾ cups buttermilk

¼ cup vegetable oil

2 cups self-rising cornmeal mix

Preheat oven to 450°. Grease a 9-inch cast-iron skillet or baking pan; place in oven to heat. Beat egg in mixing bowl. Add remaining ingredients; blend well. Pour into hot skillet or pan. Bake 12 to 15 minutes. Turn out; serve hot.



## ■ Spicy Olive Sausage Bread

- 1 lb. Odom's Tennessee Pride Country Sausage (mild or hot), cooked, crumbled, and drained
- 2 loaves frozen bread dough, thawed according to package directions
- 1 can (about 4.5 oz.) chopped black olives
- 4 cups (16 oz.) shredded cheddar cheese
- 2 tablespoons chopped jalapeno peppers (optional)

Preheat oven to 375° F. Grease a large baking sheet. Roll out each loaf of bread dough into a 14 x 10-inch rectangle. Sprinkle each with half of sausage, olives, and cheese. Sprinkle with jalapeno peppers. Roll up tightly starting with the long end. Pinch seam to seal and fold ends under. Place on prepared baking sheet. Cover loosely with plastic wrap or waxed paper. Let rise 30 minutes. Bake 25 to 30 minutes or until golden brown. Remove from baking sheet and cool on wire rack. Slice with serrated knife. Each loaf makes 6 to 8 servings.

## ■ Sausage Cheese Loaf

- 1 lb. Odom's Tennessee Pride Country Sausage (mild, sage, or hot), cooked, crumbled, and drained
- 2 ½ cups all-purpose baking mix
- ¾ cups water
- 3 eggs, beaten
- 1 ½ cups (6 oz.) shredded sharp cheddar cheese



Preheat oven to 350° F. Grease the bottom of a 9 x 5 x 3-inch loaf pan. Combine baking mix, water and eggs in mixing bowl; blend well. Stir in sausage and cheese. Spoon into prepared pan. Bake 45 minutes or until golden brown and toothpick inserted in center comes out clean. Cool in pan 10 minutes. Remove from pan and cool on wire rack before slicing. Makes 8 to 10 servings.



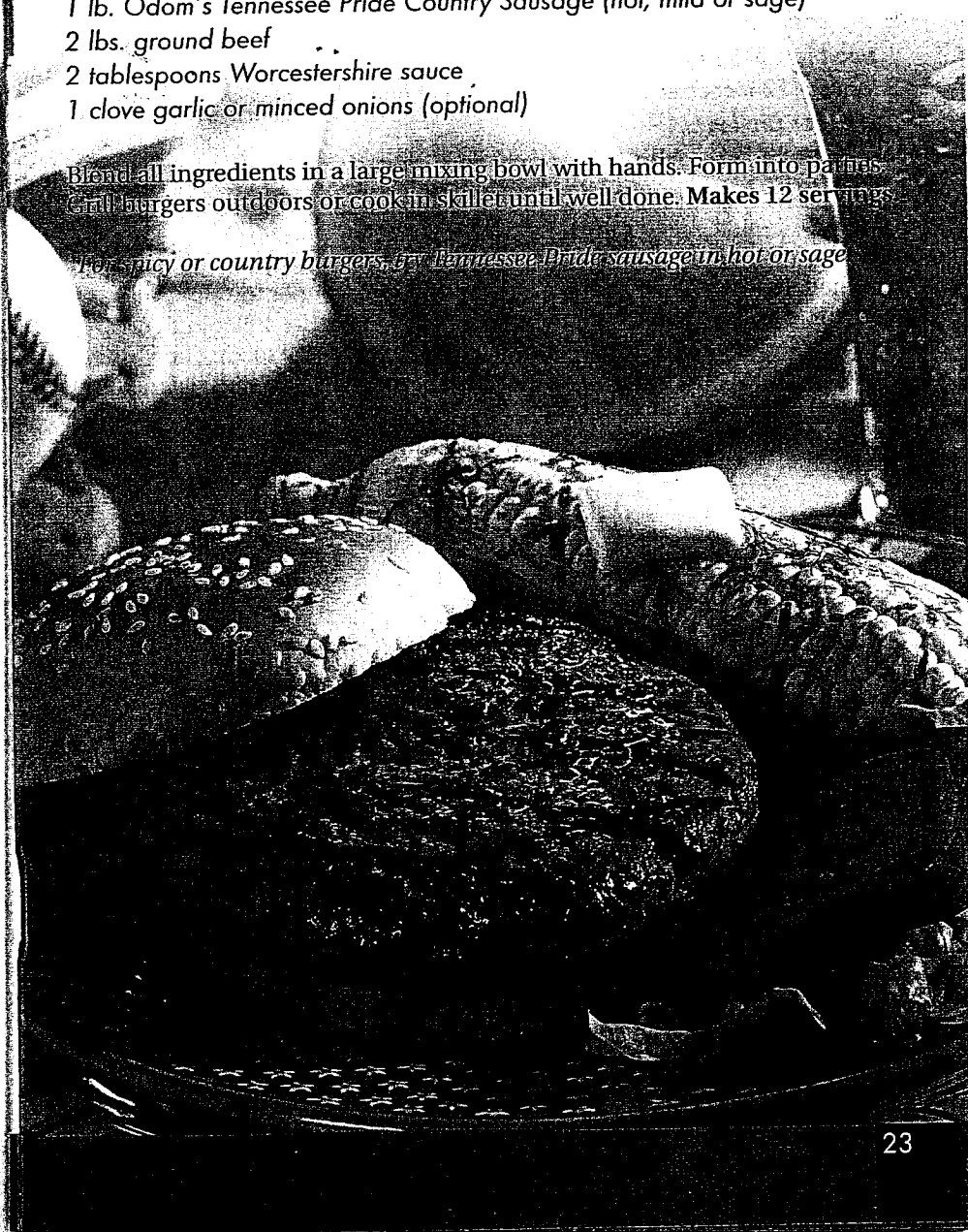
# Sandwiches

## ■ Tennessee Pride All-American Burger

- 1 lb. Odom's Tennessee Pride Country Sausage (hot, mild or sage)
- 2 lbs. ground beef
- 2 tablespoons Worcestershire sauce
- 1 clove garlic or minced onions (optional)

Blend all ingredients in a large mixing bowl with hands. Form into patties. Grill burgers outdoors or cook in skillet until well done. Makes 12 servings.

For spicy or country burgers, use Tennessee Pride sausage in hot or sage.



## ■ BBQ Sloppy Joes

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1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
½ cup chopped onion  
1 can (8 oz.) tomato sauce  
1 tablespoon sugar  
2 tablespoon ketchup  
1 tablespoon vinegar.  
1 tablespoon Worcestershire sauce,  
6 hamburger buns, split and toasted  
Coleslaw (optional)

Cook sausage with onion in large skillet until browned; drain. Add tomato sauce, sugar, ketchup, vinegar, and Worcestershire sauce. Simmer 15 minutes. Spoon on buns. Top with cole slaw, if desired. Makes 6 servings.

## ■ Open-Faced Santa Fe Sandwiches

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½ lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
½ lb. ground beef  
1 (4 oz.) can diced green chiles  
½ cup ketchup  
¼ cup water  
1 teaspoon chili powder  
1 teaspoon granulated sugar  
¼ teaspoon ground cumin  
6 hamburger buns  
12 slices Monterey Jack cheese

Preheat broiler. Combine sausage, ground beef, chiles, water, ketchup, chili powder, sugar and cumin in medium sauce pan and bring to boil. Reduce heat to low and cook for an additional 10 minutes. Let cool slightly. Then spoon warm meat mixture onto 12 halves of buns. Top with cheese and broil 3 to 5 minutes or until cheese is melted. Makes 6 servings.

## ■ Chicken Stew & Sausage Dumplings

---

½ lb. Odom's Tennessee Pride Country Sausage (mild or hot),  
cooked, crumbled, and drained  
1 large onion, chopped  
4 carrots, cut into 1-inch pieces  
5 ribs celery, cut into 1-inch pieces  
2 tablespoons butter or margarine  
8 ½ cups chicken broth, divided  
½ teaspoon black pepper  
¼ cup shortening  
2 cups self-rising flour  
4 cups chopped, cooked chicken

Cook onion, carrots, and celery in butter in 8-quart soup pot or Dutch oven until tender. Add 8 cups broth and pepper. Bring to a boil, reduce heat, and simmer 15 minutes. Cut shortening into flour in a mixing bowl using a pastry blender or two knives until mixture resembles coarse crumbs. Stir in sausage. Add ½ cup broth and stir with a fork just until dough leaves side of bowl. Slowly drop dough by heaping teaspoonfuls into boiling broth. Cover, reduce heat, and simmer 15 minutes or until dumplings are cooked. Stir gently once or twice during cooking to prevent dumplings from sticking together. Gently stir in chicken and heat through. Makes 8 to 10 servings.

## ■ Sausage Goulash

---

1 pkg. Odom's Tennessee Pride Country Sausage Links, cut into  
1-inch pieces  
1 tablespoon oil  
2 large onions, cut into thin wedges  
2 cloves garlic, minced  
1 can (14.5 oz.) whole tomatoes including juice, chopped  
1 cup water  
2 tablespoons paprika  
Egg noodles, cooked according to package directions

Cook sausage in oil in large skillet until browned. Remove with slotted spoon and drain on paper towels. Cook onion and garlic in drippings in skillet over low heat until tender, about 15 minutes. Add sausage, tomatoes, water, and paprika. Simmer 30 minutes. Serve over cooked egg noodles. Makes 4 servings.

## ■ Hearty Minnesota Bisque

1 lb. Odom's Tennessee Pride Country Sausage (mild)  
1 cup chopped onion  
1 cup sliced fresh mushrooms  
¼ cup all-purpose flour  
4 cups chicken broth or two cans (14.5 oz. each) plus  
enough water to equal 4 cups  
1 pkg. (4 oz.) wild rice, cooked (about 2 cups cooked)  
1 cup grated carrots  
1 ½ cups half and half  
1 cup (4 oz.) shredded cheddar cheese  
2 tablespoons sherry (optional)



Cook sausage in soup pot or Dutch oven until browned. Remove with slotted spoon and drain on paper towels. Add onion and mushrooms to drippings in pot and cook until tender, about 5 minutes. Blend in flour, stirring constantly, and cook about 1 minute. Slowly add broth. Cook, stirring constantly, until mixture comes to a boil and thickens slightly. Reduce heat and stir in sausage, wild rice, and carrots. Stir in half and half, cheese, and sherry. Heat to serving temperature, but do not boil. Garnish with additional shredded cheddar cheese, chives, or parsley. Makes 6 servings.

## ■ Quick Sausage Bean Corn Pone

1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
1 can (30 oz.) chili beans  
1 tablespoon chili powder  
1 cup self-rising cornmeal mix  
¾ cup milk  
1 egg  
2 tablespoons oil

Preheat oven to 400° F. Cook sausage in 9-inch cast-iron skillet until browned; drain. Stir in chili beans and chili powder. Simmer 5 to 10 minutes or until heated through; remove from heat. Combine cornmeal mix, milk, egg, and oil in mixing bowl; blend well. Pour over chili in skillet. Bake 25 to 30 minutes or until cornbread is lightly browned. Makes 6 servings.

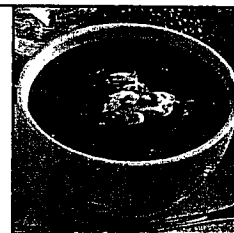
## ■ Babysitter's Delight

- 1 pkg. Odom's Tennessee Pride Country Sausage Links; cut in half
- 1 cup chopped onion
- 1 cup chopped green pepper
- 2 cans (16 oz. each) baked beans
- ¼ cup ketchup
- 1 tablespoon prepared-yellow mustard

Cook sausage in large skillet until browned. Remove with slotted spoon and drain on paper towels. Cook onion and green pepper in drippings in skillet until tender. Stir in beans, ketchup, mustard, and sausage. Simmer until heated through. Makes 4 to 6 servings.

## ■ Savory Black Bean & Sausage Soup

- 1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)
- 2 cups chopped onion
- 4 cloves garlic, minced
- 1 lb. dried black beans, cooked including liquid\*
- 2 tablespoons lemon juice
- Chopped fresh parsley (optional)
- Yogurt or sour cream (optional)
- Assorted toppings such as picante sauce, chopped green onions, lemon wedges
- Chopped hard-cooked egg (optional)



Cook sausage, onion, and garlic in 6-quart soup pot or Dutch oven until sausage is browned and onion is tender. Purée about 3 cups beans with ½ cup liquid in blender or food processor. Add to sausage mixture with remaining beans and liquid; blend well. Bring to a boil; cover, reduce heat, and simmer 20 to 30 minutes. Remove from heat; stir in lemon juice. Garnish each serving with parsley and a dollop of yogurt or sour cream or assorted toppings as desired. Makes 8 to 10 servings.

*\*Soak black beans according to package directions; drain. Add 7 cups fresh water and 1½ teaspoons salt. Cover and simmer about 2 hours or until tender. Add additional hot water as needed during cooking.*

# Main Course

## ■ Country Kitchen Casserole

- 1 ½ lbs. Odom's Tennessee Pride Country Sausage (hot or mild)
- 1 5 ½-oz. package herb seasoned croutons
- 2 cups shredded sharp cheddar cheese
- 2 cups shredded pepper jack cheese
- ¼ cup minced onion
- 8 eggs
- 2 cups half and half
- 1 ½ cups milk
- 1 ½ teaspoon dry hot mustard
- Salt and pepper to taste
- Chopped red and green peppers, for garnish

Cook sausage in large skillet until browned. Drain, crumble and set aside. Spread croutons on bottom of lightly greased 9 x 13-inch baking dish. Cover croutons with cheddar and pepper jack cheeses. Add sausage and onion over cheeses. Pour cream, milk, mustard, salt and pepper over top. Cover and bake at 350°F for 1 hour.

Garnish with



## ■ Debbie's Sausage Casserole

- 1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)
- 1 medium onion, chopped
- 1 ½ cups instant rice
- 1 ¾ cups water
- 1 can (10 ¾ oz.) cream of mushroom soup
- 1 jar (8 oz.) processed cheese-food spread or ¾ cup (3 oz.) shredded American cheese
- ½ cup evaporated milk
- ½ cup cracker crumbs

Preheat oven to 350° F. Grease a 2-quart baking dish. Cook sausage with onion in large skillet until sausage is browned and onion is tender; drain. Combine sausage, rice, water, soup, cheese, and evaporated milk in prepared baking dish; mix well. Sprinkle with cracker crumbs. Bake 30 to 40 minutes. Makes 6 servings.

## ■ Sausage & Cheese Manicotti

- 1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)
- 1 box (8 oz.) manicotti shells
- ½ cup chopped onion
- 1 can (14.5 oz.) whole tomatoes, drained and chopped
- 2 cups (8 oz.) shredded mozzarella cheese
- ½ cup dry white wine
- 1 cup heavy cream
- 1 teaspoon Italian seasoning
- Salt and black pepper, to taste
- Paprika



Grease a 13 x 9 x 2-inch baking dish. Cook manicotti according to package directions. Gently drain and rinse in cold water; set aside. Cook sausage and onion in large skillet until sausage is browned and onion is tender; drain, reserving drippings. Combine tomatoes, cheese, and sausage mixture in large mixing bowl; blend well. Stuff manicotti shells with equal amounts of sausage mixture. Place in prepared baking dish. Cover and bake 20 minutes. Meanwhile, add wine to reserved sausage drippings in skillet. Bring to a boil and cook, scraping browned bits from the bottom with a wooden spoon. Stir in cream and Italian seasoning. Season with salt and pepper. Pour evenly over baked manicotti. Sprinkle with paprika. Makes 6 to 8 servings.

## ■ Sausage & Sweet Pepper Calzone

- ½ lb. Odom's Tennessee Pride Country Sausage  
(mild or hot)
- 2 cups thinly sliced onion wedges
- 1 cup green pepper strips
- 1 cup red pepper strips
- 1 package (6.5 oz.) pizza crust mix
- ½ cup hot tap water
- 1 teaspoon vegetable oil
- 1 ½ cups (6 oz.) shredded Swiss cheese
- 1 egg, beaten



Preheat oven to 375° F. Grease a large baking sheet. Cook sausage in large skillet until browned. Remove with slotted spoon and drain on paper towels. Cook onions and peppers in drippings in skillet until crisp-tender; set aside. Combine pizza crust mix and hot water in mixing bowl. Stir vigorously with a fork until blended (about 30 strokes). Form into a ball and grease with about 1 teaspoon oil. Cover and set in a warm place for 5 minutes. Roll out dough into a 14-inch oval on floured surface. Transfer to prepared baking sheet. Cover half of dough with sausage and vegetables to within ½ inch of edge. Sprinkle with cheese. Drizzle with beaten egg. Fold plain dough over filling. Moisten edges with water; press to seal. Bake 20 to 25 minutes or until golden brown. Cool on wire rack 10 minutes before cutting. Slice into strips with serrated knife or pizza cutter. **Makes about 10 servings.**

## ■ Angel Hair Pasta with Quick Hot Sausage Sauce

- 1 lb. Odom's Tennessee Pride Country Sausage (hot)
- ½ cup chopped onion
- 2 medium zucchini, quartered lengthwise and thinly sliced
- 1 jar (32 oz.) marinara sauce
- 1 box (16 oz.) angel hair pasta or thin spaghetti, cooked according to package directions

Cook sausage and onion in large skillet until sausage is browned and onion is tender; drain. Stir in zucchini and cook until crisp-tender. Stir in marinara sauce and heat through. Toss with freshly cooked pasta. **Makes 6 servings.**



## ■ Sausage & Apple Stuffed Squash

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- 1 lb. Odom's Tennessee Pride Country Sausage (mild, hot, or sage)
- 2 acorn squash, halved
- ½ cup finely chopped onion
- ½ cup chopped celery
- 1 medium apple, peeled and grated
- ½ cup sour cream
- 1 egg, beaten
- 1 cup (4 oz.) shredded cheddar cheese

Preheat oven to 375° F. Place squash halves cut side down into 13 x 9 x 2-inch baking pan. Bake 30 minutes. Meanwhile, combine sausage, onion, celery, apple, sour cream, and egg; mix well. Spoon mixture evenly into squash halves. Return to oven and bake 30 to 40 minutes or until sausage mixture is cooked through and squash is tender. Sprinkle with cheese; bake until cheese is melted, about 5 minutes. **Makes 4 servings.**

## ■ Odom's Sausage Lasagna Roll Ups

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- 1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)
- 1 box lasagna pasta
- 2 (1-lb., 10-oz.) jars any flavor Spaghetti Sauce
- 1 (16-oz.) container small curd cottage cheese
- 1 cup Parmesan Cheese
- 1 egg
- 1 ½ cups fancy shredded pizza cheese

Cook pasta as directed on package; drain well. Spread lasagna noodles out onto wax paper (to prevent them from sticking together). In a skillet, cook sausage until brown. Add 2 cups spaghetti sauce. In a wire strainer rinse off cottage cheese with water, until water runs clear. Shake out extra water; set aside. In small bowl beat egg; add cottage cheese and parmesan cheese, mix well. Spread 1 ¼ cups spaghetti sauce into bottom of 9 x 13-inch baking dish. Spread about 3 tablespoons of the cheese mixture onto lasagna noodle. Top with about 2 ½ tablespoons sausage mixture. Roll up the noodle and place into the baking dish. Repeat with remain noodles. Spread 1 ½ cups spaghetti sauce on top. Cover loosely with foil; bake at 350° F for 45 minutes. Remove foil and add shredded cheese; bake for 15 minutes.

## ■ Stacked Green Enchiladas

- 1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)
- 1 medium onion, chopped
- 2 cloves garlic, minced
- 4 cans (4 oz. each) chopped green chilies, divided
- 1 teaspoon ground cumin
- Vegetable oil
- 12 corn tortillas
- 1 cup (8 oz.) sour cream
- 3 cups shredded Monterey Jack cheese



Preheat oven to 375° F. Grease a 2-quart baking dish. Cook sausage, onion, and garlic in large skillet until sausage is browned and onion tender; drain. Stir in 3 cans green chilies and cumin. Simmer 10 minutes. Meanwhile, heat about ½ inch oil in small skillet. Fry each tortilla about 5 seconds per side to soften. Drain on paper towels. Stir sour cream into sausage mixture. Spoon a small amount into bottom of baking dish. Top with 4 tortillas. Spoon half of sausage mixture over tortillas. Sprinkle with 1 cup cheese. Repeat layers; end with tortillas. Spoon remaining can of green chilies over tortillas and sprinkle with remaining 1 cup cheese. Cover and bake 20 minutes. Uncover and bake until cheese is lightly browned. **Makes 6 servings.**

## ■ Tex Mex Sausage Filling

- 1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)
- ½ cup chopped onion
- 1 package (1.25 oz.) taco seasoning mix
- 1 can (16 oz.) whole tomatoes including juice, chopped
- 1 can (16 oz.) kidney beans, drained
- 1 can (4 oz.) chopped green chilies

Cook sausage and onion in large skillet until sausage is browned and onion is tender; drain. Stir in remaining ingredients. Simmer 5 to 10 minutes or until heated through. **Makes 4 servings, or about 5 cups.**

**Microwave Directions:** Place sausage and onion in 2-quart measuring cup or bowl. Cover with plastic wrap, leaving a vent. Microwave approximately 5 minutes on high power, stirring once to crumble sausage into small pieces; drain. Stir in remaining ingredients. Microwave on high power approximately 10 to 12 minutes, stirring halfway through cooking time. Let stand, covered, 5 minutes.

## ■ Tennessee Pride Sausage Stuffed Peppers

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1 lb. Odom's Tennessee Pride Country Sausage (mild, hot, or sage)  
6 medium bell peppers  
2 cloves garlic, minced  
1 can (2.8 oz.) French-fried onions  
1 can (10 ¾ oz.) condensed zesty tomato soup  
1 ½ cups cooked rice  
½ cup Parmesan cheese  
Dash hot pepper sauce

Preheat oven to 375° F. Grease a 2-quart baking dish. Slice tops off peppers; remove inner membranes and seeds. Blanch peppers in boiling water, if desired. Set pepper cups in prepared dish. Cook sausage with garlic until browned; drain. Stir in half the French-fried onions and all remaining ingredients. Spoon mixture evenly into pepper cups. Cover. Bake 20 minutes or until peppers are tender and filling is hot. Remove cover; sprinkle with remaining onions and bake 10 minutes. **Makes 4 to 6 servings.**

**Microwave Directions:** Place peppers in microwave-safe dish. Cover and microwave on high approximately 10 minutes or until peppers are tender and filling is hot. Let stand, covered, 5 minutes. Top each pepper with remaining onions and micro-cook uncovered 1 minute.

## ■ Sensational, Sizzling, Seventh Heaven Sausage Stir-Fry

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1 lb. Odom's Tennessee Pride Country Sausage (crumbled)  
1 ½ cups long-grain rice  
3 ¼ cups frozen chopped vegetables such as broccoli, carrots and onions  
½ lb. grated Parmesan cheese

Place sausage into a large skillet, cooking and stirring over medium heat until crumbled and lightly browned; drain on paper towels, then reserve. Cook rice according to package directions. Meanwhile, heat about 3 tablespoons of vegetable oil in a large skillet. Sauté frozen vegetables until warmed through and crisp-tender. Add sausage and salt and pepper to taste. Heat through. Stir in ½ cup cheese. Place rice onto six dinner plates. Top with sausage mixture. Sprinkle with remaining cheese. **Makes 6 servings.**

## ■ Annie's Elegant Virginia Stuffing

½ lb. Odom's Tennessee Pride Country Sausage (mild or sage)  
1 lb. chestnuts  
1 can (14.5 oz.) beef broth  
1 cup butter, melted  
1 cup chopped onion  
1 ½ cups chopped celery  
10 cups fresh bread cubes  
2 teaspoons marjoram  
1 cup golden raisins  
Salt and black pepper, to taste

Slit the skin on flat side of chestnuts. Place in saucepan and cover with water. Bring to a boil. Remove chestnuts from water and peel with sharp knife. Combine chestnuts and beef broth in saucepan. Cover and cook 25 minutes or until tender and most of liquid has been absorbed. Drain and coarsely chop nuts; set aside. Cook sausage in large skillet until browned. Remove with slotted spoon and drain on paper towels. Add butter to sausage drippings in skillet. Cook onion and celery in butter-drippings mixture until tender. Pour into large mixing bowl. Stir in bread cubes, marjoram, cooked sausage, chestnuts, and raisins; blend well. Season with salt and black pepper. Stuff mixture into turkey; roast according to standard roasting directions or, place in greased 13 x 9 x 2-inch baking dish. Cover and bake 20 minutes at 350° F. Uncover and bake 10 minutes or until golden brown. Makes about 12 cups or 10 to 12 servings.

## ■ Tennessee Pride Baked Beans

1 lb. Odom's Tennessee Pride Country Sausage (hot or mild)  
1 cup chopped onion  
1 green pepper, chopped  
3 (28-oz.) cans of baked beans  
¼ cup ketchup  
1 tablespoon prepared yellow mustard

Cook sausage in large skillet until browned. Remove with slotted spoon and drain on paper towels. Cook onion and green pepper in drippings in skillet until tender. Stir in beans, ketchup, mustard and sausage. Empty mixture into 9 x 13-inch baking dish. Bake at 350° for about one hour. Makes 10 to 12 servings.



## ■ Warm Bavarian Sausage Potato Salad

---

½ lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
1 medium onion, chopped  
¼ cup cider vinegar  
5 cups new potatoes, quartered and cooked  
1 jar (4 oz.) chopped pimentos  
Salt and black pepper, to taste

Cook sausage in large skillet until browned. Remove with slotted spoon and drain on paper towels. Cook onion in drippings in skillet until tender. Stir in vinegar. Toss sausage, potatoes, and pimentos in large mixing bowl. Pour in onion mixture including drippings. Season with salt and pepper. **Makes 6 to 8 servings.**

## ■ Granny's Potato Sausage Stuffing

---

1 lb. Odom's Tennessee Pride Country Sausage (mild or hot)  
6 large potatoes, peeled and quartered  
¼ cup skim milk  
1 green bell pepper, chopped  
1 onion, chopped  
1 (1 lb.) loaf dry white bread, crusts removed and cubed

Preheat oven to 350° F. Bring a large pot of salted water to a boil. Add potatoes and cook until tender, about 15 minutes. Drain and mash with milk.

Meanwhile, place sausage in a large, deep skillet. Cook over medium high heat until evenly browned. Stir in green pepper and onion and cook for about 5 minutes. Fold cubed bread into potatoes, then gently fold in sausage mixture. Transfer to a 9 x 13 inch baking dish. Bake in preheated oven for 30 to 45 minutes, or until heated through. **Makes 8 servings.**



## Li

1 gal=	4 qt=	8 pt=	16 cups=	128 oz =	3.79L
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$\frac{1}{4}$ gal=	1 qt=	2 pt=	4 cups=	32 fl oz=	.95L
	$\frac{1}{2}$ qt=	1 pt=	2 cups=	16 fl oz=	.47L
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$\frac{3}{4}$ cup=	6 fl oz=	12 tbsp=	36 tsp=	177ml
$\frac{2}{3}$ cup=	5 $\frac{1}{3}$ fl oz=	10 $\frac{2}{3}$ tbsp=	32 tsp=	158ml
$\frac{1}{2}$ cup=	4 fl oz=	8 tbsp=	24 tsp=	118ml
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$\frac{1}{4}$ cup=	2 fl oz=	4 tbsp=	12 <sup>4</sup> tsp=	59ml
$\frac{1}{8}$ cup=	1 fl oz=	2 tbsp=	6 tsp=	30ml
		1 tbsp=	3 tsp=	15ml

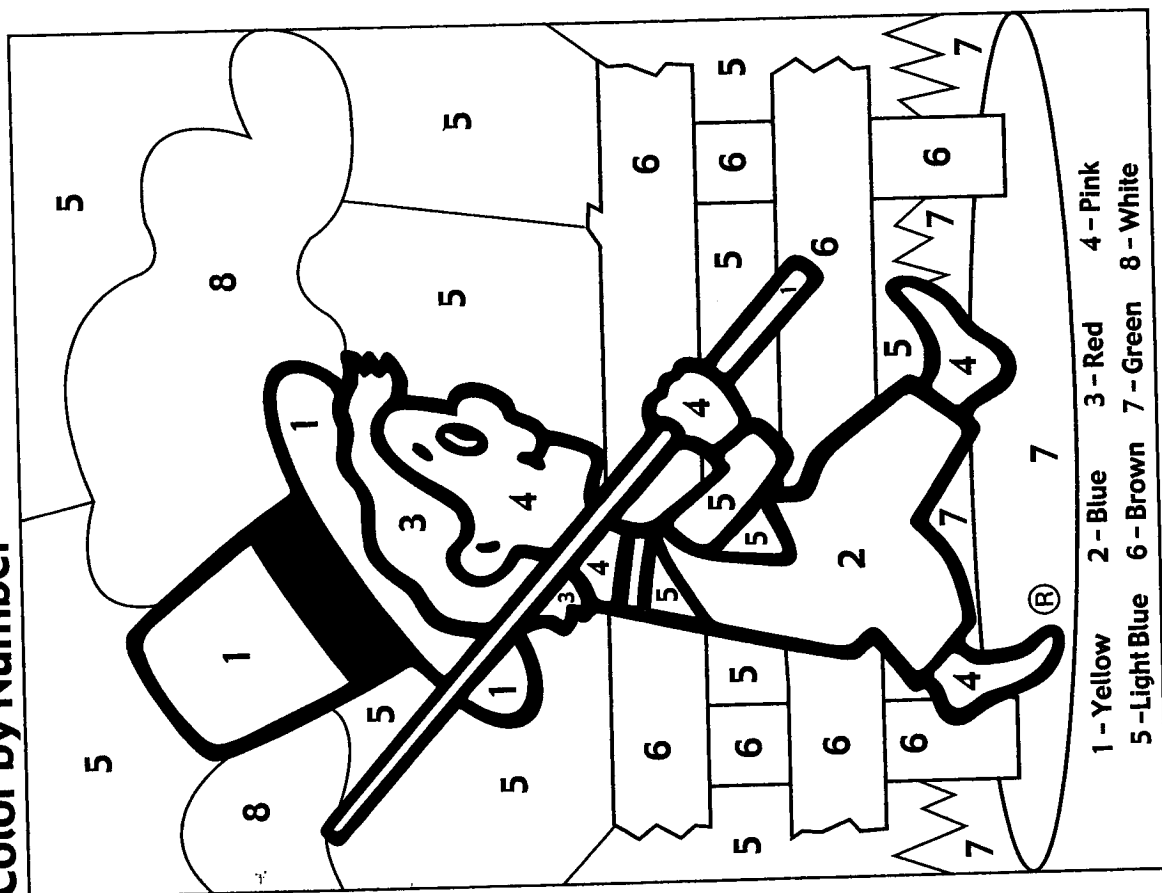
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# Color by Number



# Word Search

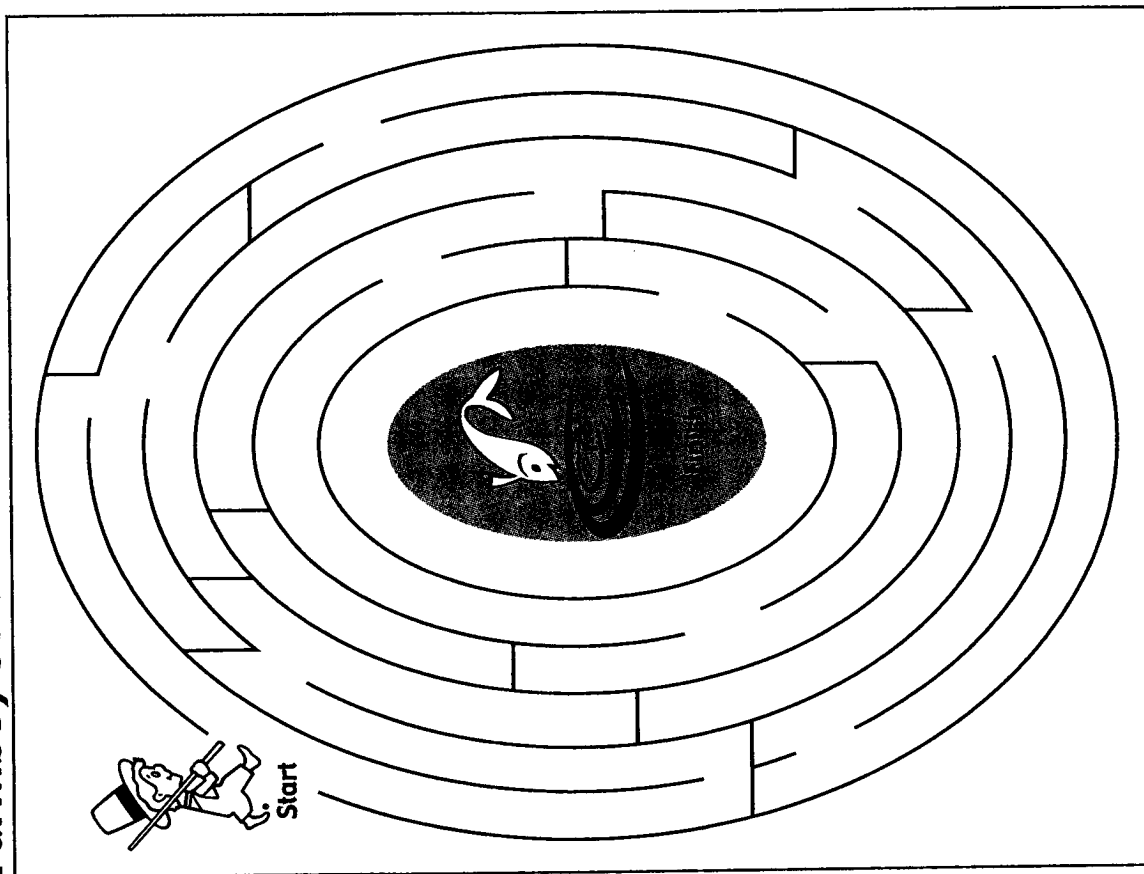
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GRAVY  
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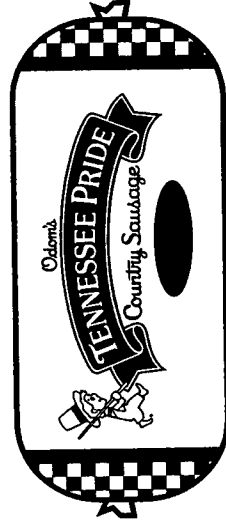
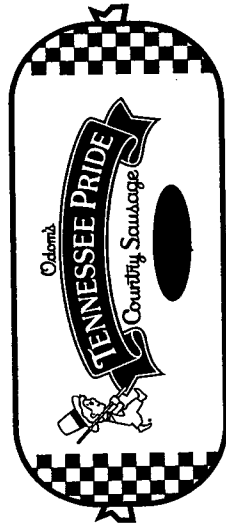
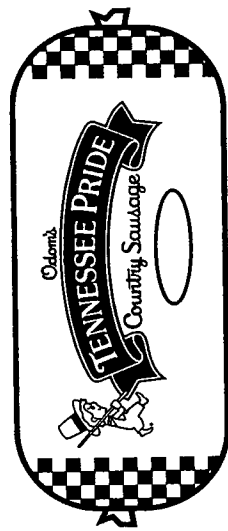
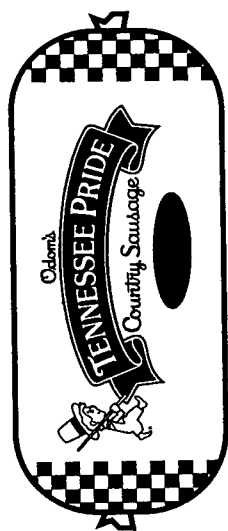
SAUSAGE  
TENNESSEE  
WAFFLES

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 E I B A T G T F W Q R C  
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 F N N E T A E N G

# Farmboy's Fishin' Hole Maze



Find The Pictures That Are The Same

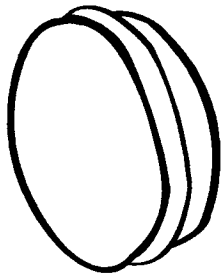


# Color Patriotic Farmboy

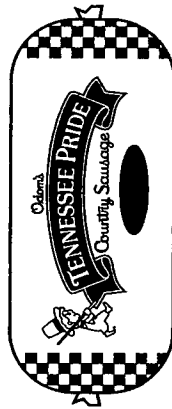
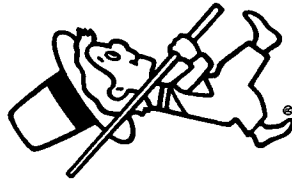


# Unscramble The Words

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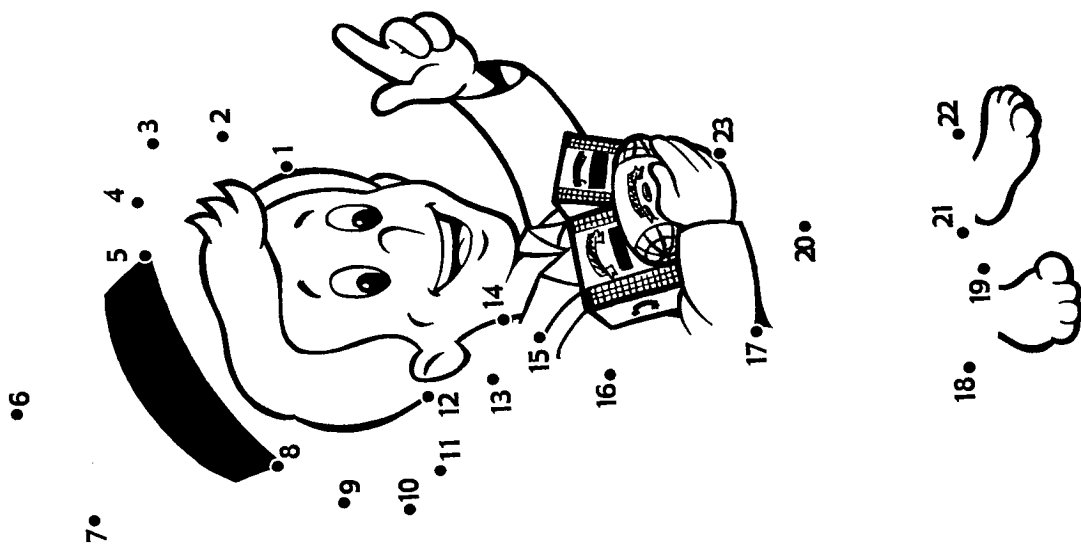


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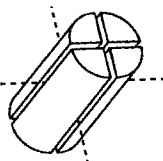
# Connect The Dots



# Farmboy is Grilling and Has A Great Recipe For Your Family

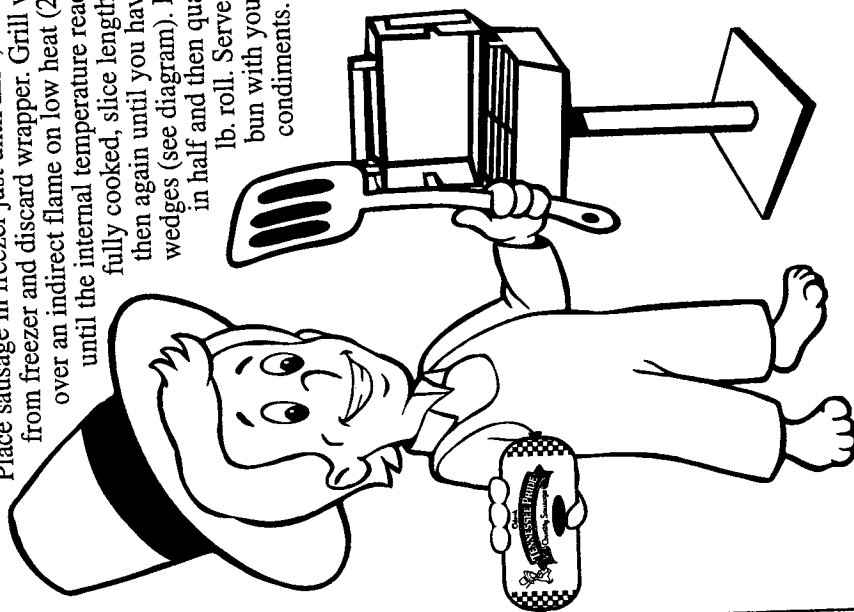
## Tennessee Pride Sausage Wedge

1 lb. or 2 lb. Roll of Tennessee Pride Country Sausage  
(1 lb. comes in Mild, Extra Mild, Hot, or Sage)  
(2 lb. Mild or Hot)



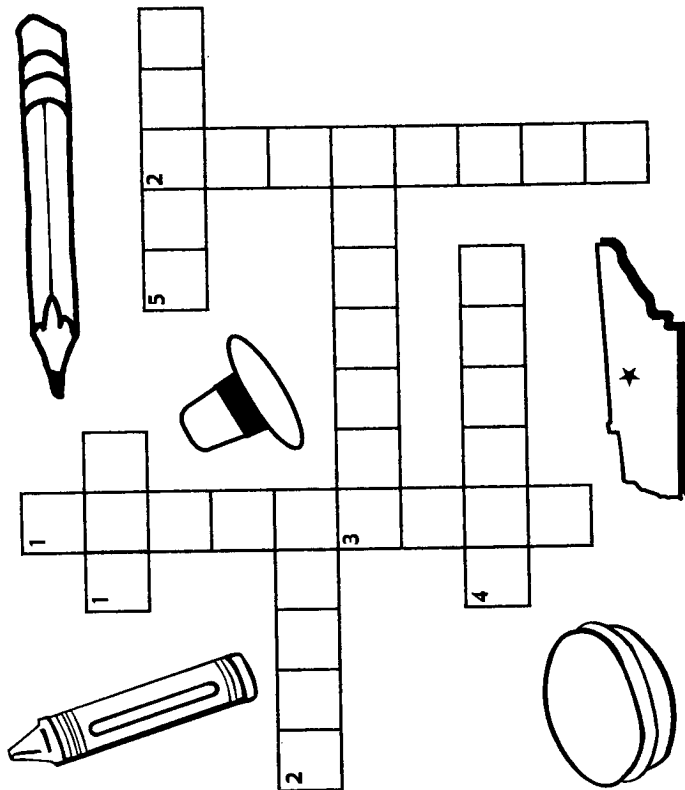
Place sausage in freezer just until firm, not frozen. Remove from freezer and discard wrapper. Grill whole sausage roll over an indirect flame on low heat (225°-230°F). Cook until the internal temperature reaches 165° F. Once fully cooked, slice length wise in half and then again until you have 4 equal quarter wedges (see diagram). If 2 lb. roll, slice in half and then quarter as with the 1 lb. roll. Serve on warm hotdog bun with your favorite condiments.

**Other Options:**  
Prior to grilling use a dry BBQ rub or roll in BBQ sauce. For a delicious smoked flavor, cook over wood chips.





# Crossword Puzzle



## Across

1. The color of Farmboy's hair. -----
2. We're proud of our sausage. That's why we call it Tennessee -----
3. We're famous for making? -----
4. Farmboy's hat is this color. -----
5. Our Sausage & Biscuits make a great anytime -----

## Down

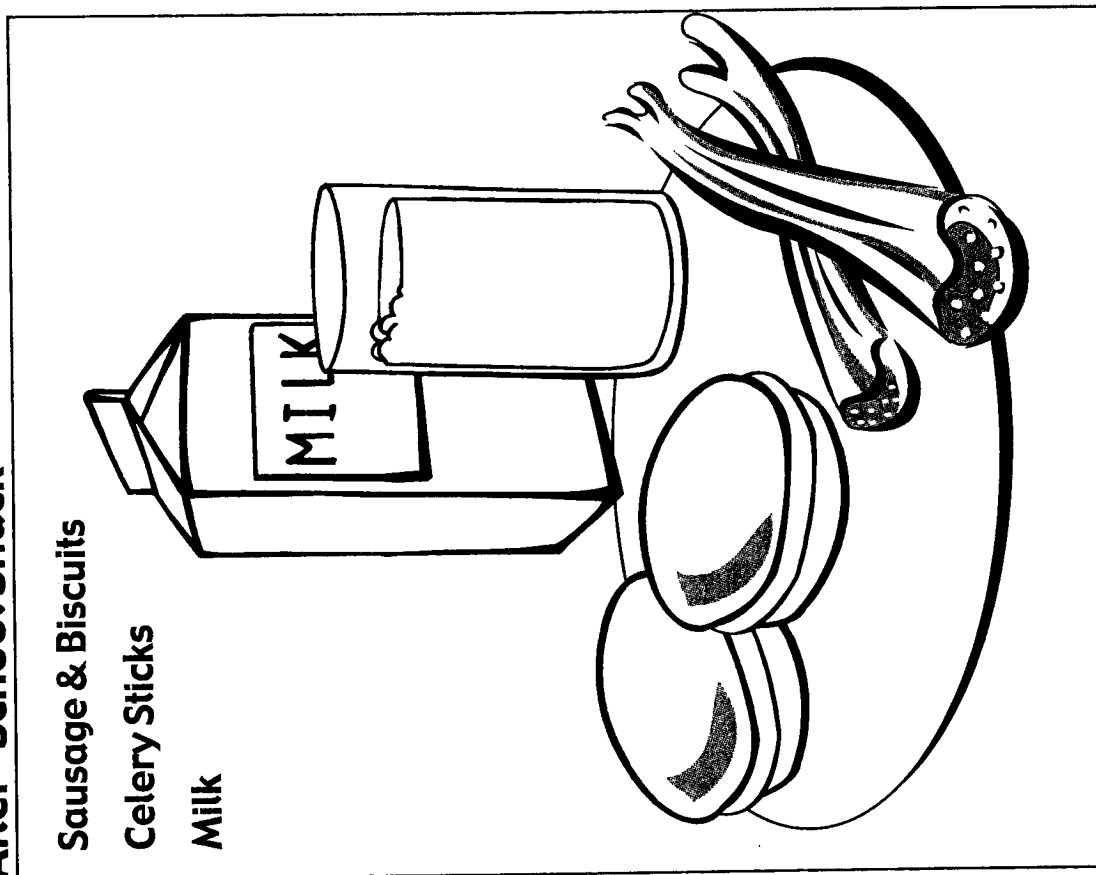
1. Our sausage is named after this great state. -----
2. Another word for going without shoes. (Farmboy's favorite!) -----

# Color Farmboy's Favorite After-School Snack

Sausage & Biscuits

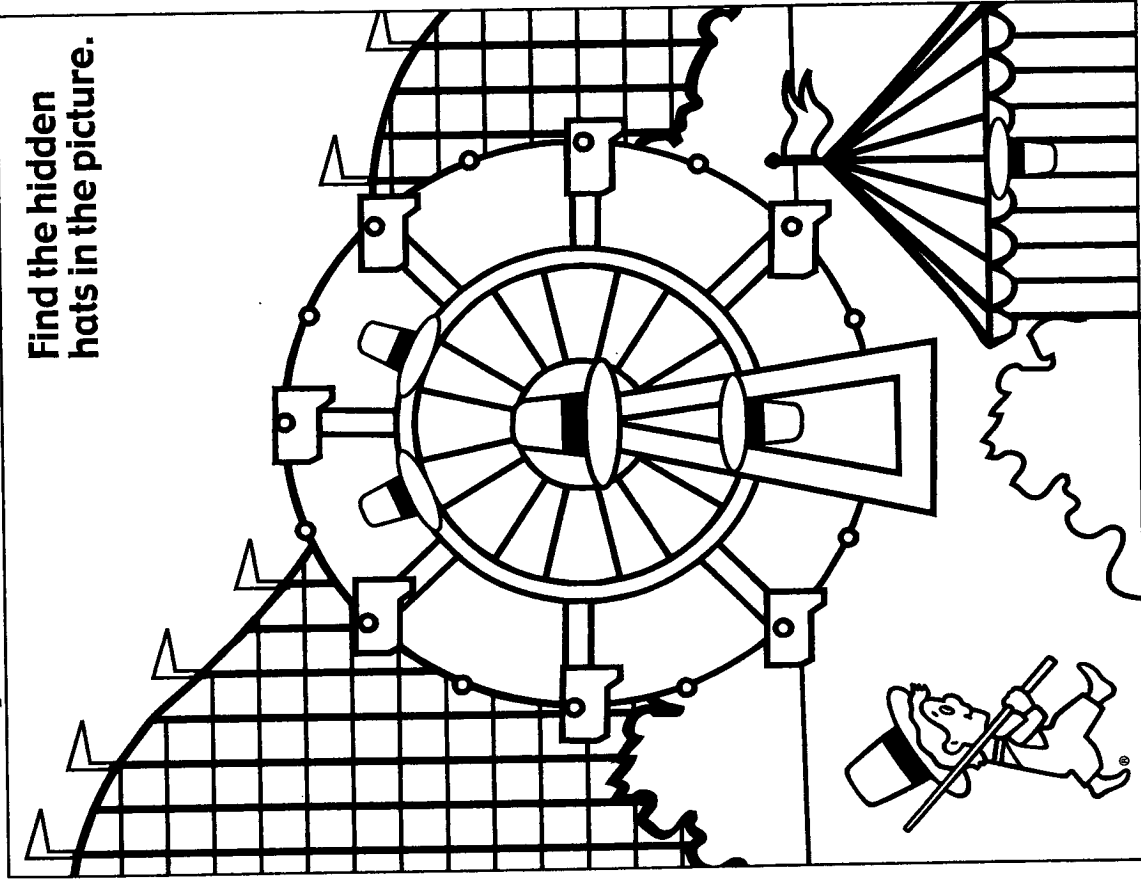
Celery Sticks

Milk

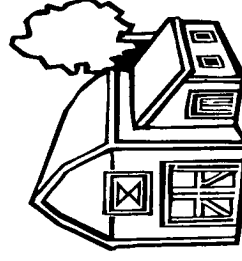
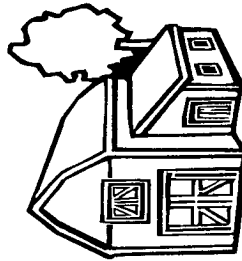
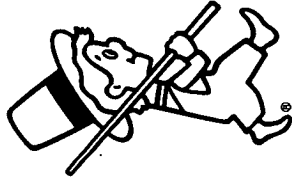
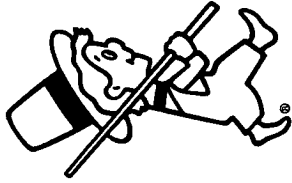


## Farmboy At The Fair

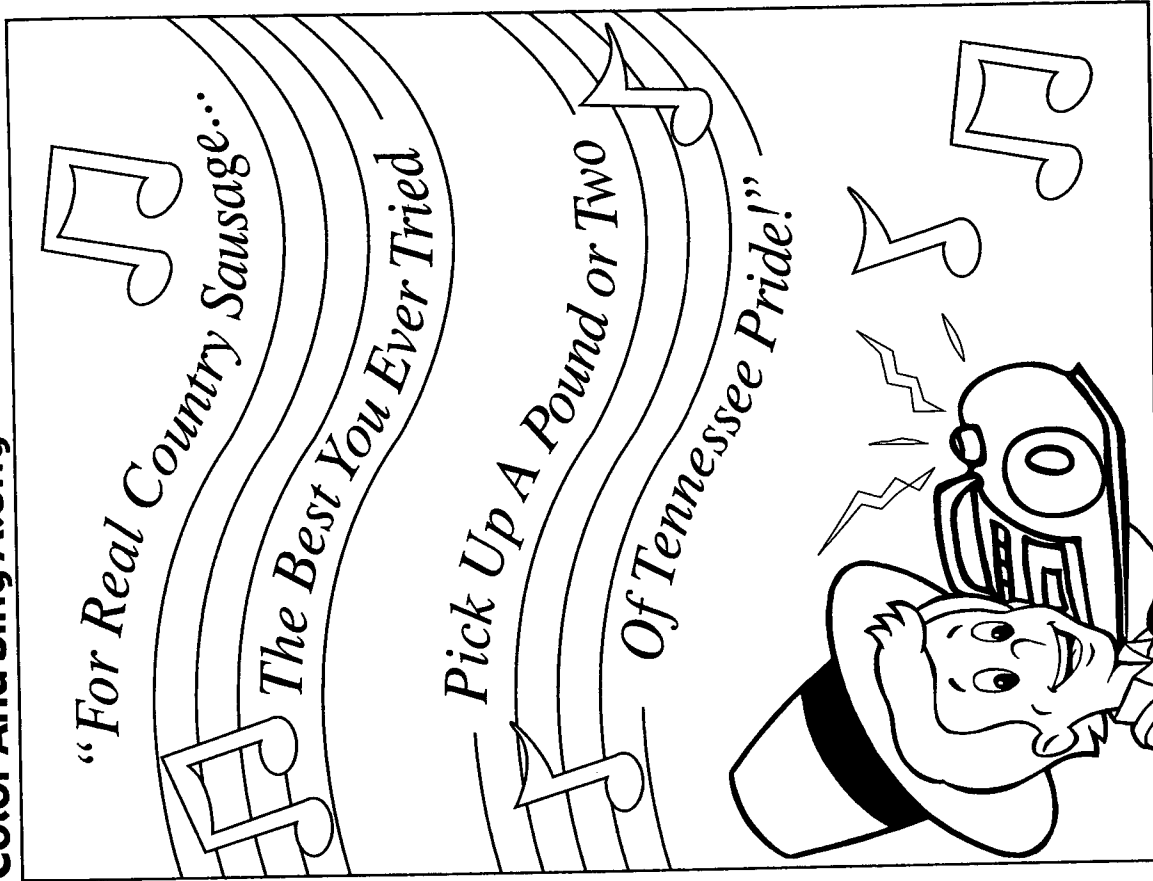
Find the hidden hats in the picture.



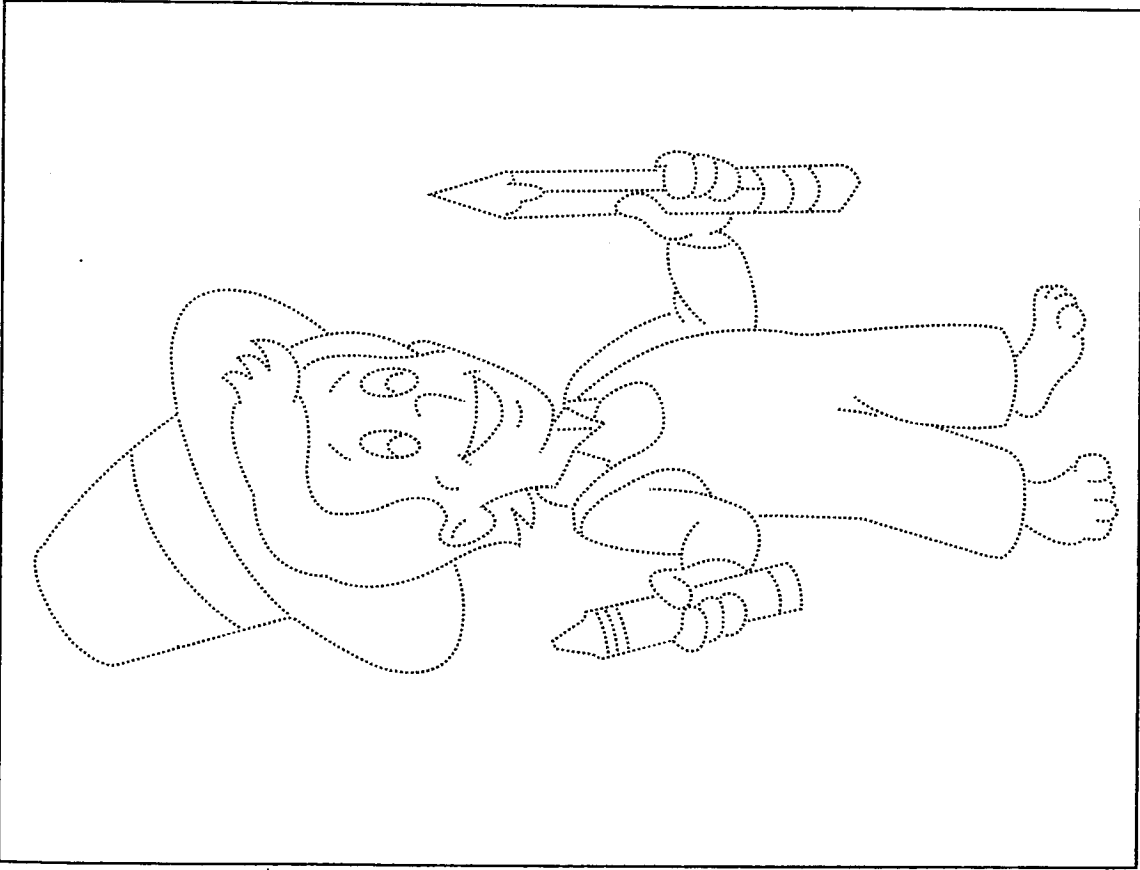
One In Each Row Is Different, Which One?



**Color And Sing Along**



Draw and Color Farmboy





# Farmboy in Chicago

Farmboy was in the "windy city" from July 30<sup>th</sup> until August 3<sup>rd</sup>. Farmboy spent the first two days in Chicago visiting four Jewel stores where 24 pairs of tickets to the Black Women's Expo were given away.

On Friday, Saturday and Sunday, Farmboy

was at the Black Women's Expo with the Farmboy van and many helpful hands from Tennessee Pride and Advantage Brokerage. At the Tennessee Pride booth, people played a bean bag toss game for a chance to win bandanas, t-shirts and grill kits.

Farmboy and helpers entertained the people in attendance by getting them to sing the Tennessee Pride jingle, having their pictures made with Farmboy, and sampling Tennessee Pride sausage patties.



*Elizabeth McGee, 94 years young, was one of the winners.*



*Farmboy serving sausage patties.*

## Farmboy Takes a Trip to Horse Cave, KY

Farmboy spent August 8<sup>th</sup> in Horse Cave, KY with Bruce Henderson. This was a re-modeled grand opening for an IGA store that was over 50 years old. The market manager was more

than accommodating. He provided us with a very large display for our roll sausage. Bruce and Farmboy gave away the usual cookbooks, bandanas, key chains etc... We also gave away

around 100 rolls of sausage and 20 boxes of fully cooked patties and links. The head of the Houchens stores came by the store and was happy to shake hands with Farmboy.



*Farmboy with a Horse Cave family.*



*That sure is a lot of bull.*

## On the Road with Farmboy



# On The Road With Farmboy

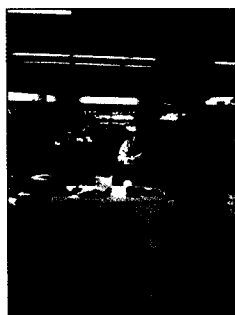
## Odom's Tennessee Pride Sausage

September 2008

Volume 1

### Farmboy in Detroit

Farmboy, and the Damico & Dedden marketing team were in Detroit, August 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup>. Events were held in three different Kroger stores, one store each day from 12:00 until 6:00. The event was supported by radio, WYCD-FM 99.5. In addition, a newspaper ad was run in the Detroit News & Free Press. There was a demo person at each store, who cooked fresh mild



Farmboy with Flo the demo lady.

Tennessee Pride Sausage. A \$50.00 Kroger gift card was given away every hour on the hour starting at 1:00 in each of the three stores. A total of six gift cards were given away at each store for a total of 18 winners in all. We registered over 1100 people for the gift cards.

Equipped with \$2.00 coupons, the team was able to sell over 1200 pounds of roll sausage and 70 boxes of sandwiches!



### Wal-Mart Stops in Ohio

On September 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Farmboy visited four different Wal-Mart stores in Ohio. Farmboy made three store visits in the Cincinnati area and one visit in Cleveland. Of the four store visits, two of them were grand opening events. Farmboy, along with the support from the Premier Brokerage Company, was able to get over 300 boxes of 12 ct. sausage and buttermilk biscuits into the hands of consumers. These stores had nice freezer door displays of our sausage and biscuits, which will make it easier for customers to find our product.



### For Sisters Only in Atlanta

Farmboy, along with the Damico & Dedden Marketing team, attended the 15<sup>th</sup> annual For Sisters Only event in Atlanta, GA. This is an African American consumer show with live entertainment. The event was held at the Georgia World Conference Center on Saturday September 13<sup>th</sup> and Sunday September 14<sup>th</sup>. We had a booth inside the building, in which the OTP van was parked, which makes a fantastic background. In addition, we had the ever so popular bean bag toss. We offered a continuous supply of cookbooks, music sheets and coloring books. At the bean bag toss the prizes given away were bandanas, t-shirts and grill kits. We estimate that over 30,000



Farmboy contemplates his next move.

people came to this event in two days. Hundreds of people crowded Farmboy to have pictures made with him. Nick and Dick were also interviewed on two of the top Atlanta radio stations that hosted the event.



Farmboy with the D&D team and one of the grill kit winners.



Looks like someone has a crush on Farmboy.

# On The Road With Farmboy

October 2008  
Vol. 1

## Kroger Grand Opening Farragut, TN

Farmboy was at a new Kroger Marketplace store in Knoxville from Oct. 10 through Oct.

12. This was a brand new concept store, very fancy.

Farmboy and John Tallent, Tri-Venture broker, were at the store giving away promotional goodies and coupons. We were able to move

over 1,000 lbs. of sausage and lots of other OTP products.

Jimbo Whaley and his bluegrass band performed in front of the store next to the Farmboy

van on Sunday. They played the Tennessee Pride Jingle and Farmboy was out there "cutting a rug."



Farmboy with Jimbo and the band

## Kroger Store Visits Little Rock, AR

On October 16<sup>th</sup> and 17<sup>th</sup>, Farmboy along with the Damico and Dedden Marketing Team visited four different Kroger Stores in Little Rock,

AR. At each store we registered people to win a pair of tickets to the Arkansas State

Fair. We gave away five pairs of tickets at each store, for a total of 40 winners. Each store had beautiful incremental displays of OTP products.

The D & D marketing team had consumers singing the jingle and helped move extra product at each store.



A group sing-a-long of the OTP jingle

## Arkansas State Fair



Yee-Haw!!!!!!!!!!



Farmboy with the cooking contestants

Farmboy was at the Arkansas State Fair on Oct. 18<sup>th</sup> and 19<sup>th</sup>. He was out there showing his pride and giving out goodies to the people of Little Rock. The Farmboy van was inside the fair grounds, where we had a booth set up. There were lots of OTP representatives helping at the booth including the D & D marketing team. Some of the people in attendance included: The one and only Jim Stonehocker, featuring very special guests Frank Howell and *THE* Mark Lewis. At the booth, fair goers had an opportunity to register to win 1 of 5 OTP grill kit aprons. If they sang the Tennessee Pride Jingle they would receive a bandana. Everyone that stopped by the booth got a free recipe book and Farmboy sticker. On Sunday, there was cooking contest sponsored by Tennessee Pride Sausage. Sixteen different contestants cooked their own special recipe which had Tennessee Pride sausage in it. There were three judges from the food industry who sampled the different dishes and awarded ribbons to the contestants. Watch for these delicious new recipe additions on [www.tnpride.com](http://www.tnpride.com).

## MEAT

	<p>16 Ounce Pkg. <b>Gwaltney</b> <b>Big 8 Meat Franks</b></p> <p><b>2 FOR \$3</b></p>		<p>16 Ounce Pkg. <b>Gwaltney</b> <b>Big 8 Beef Franks</b></p> <p><b>\$1.99</b></p>
	<p>12 Ounce Pkg. <b>Gwaltney Meat</b> <b>Hot Dogs</b></p> <p><b>79¢</b></p>		<p>2.5 Ounce Pkg. Premium (Excludes Traditional) <b>Carl Buddig Lean</b> <b>Slice Wafer Meats</b></p> <p><b>69¢</b></p>
	<p>16 Ounce Pkg. <b>Gwaltney Chicken</b> <b>Great Bologna</b> (Excludes Turkey)</p> <p><b>99¢</b></p>		<p>12 Ounce Pkg. <b>Gwaltney Spiced</b> <b>Luncheon Meat</b></p> <p><b>\$1.39</b></p>
	<p>10 Ounce Pkg., Chicken Patties, Strips or <b>Cor Redi Serve</b> <b>Chicken Nuggets</b></p> <p><b>2 FOR \$5</b></p>		<p>22.5 Ounce - 10 Count Pkg. <b>Pacific Valley Hash</b> <b>Brown Tater Patties</b></p> <p>15 Oz. 20 Oz. Pkg. \$2.49 ea. <b>2 FOR \$3</b></p>
	<p>5 Pound Box <b>Flanders Frozen</b> <b>Beef Patties</b></p> <p><b>\$5.79</b></p>		<p>16 Ounce Pkg. <b>Bob Evans Roll</b> <b>Pork Sausage</b></p> <p><b>\$1.99</b></p>

18 Ounce Pkg.  
**Purnell Country Sausage Biscuits** ..... **\$3.99 ea.**

3 Pound Pkg.  
**Purnell Pork Sausage Links or Patties** .. **\$6.99 ea.**

20 Ounce Pkg., Mashed Potatoes or  
**Bob Evans Sausage Gravy** ..... **\$2.29 ea.**

24 Ounce Pkg. (Excludes Turkey)  
**State Fair Beef Corn Dogs** ..... **\$3.49 ea.**

PENGAD-Bayonne, N. J.

**OPPOSER'S  
EXHIBIT**

15

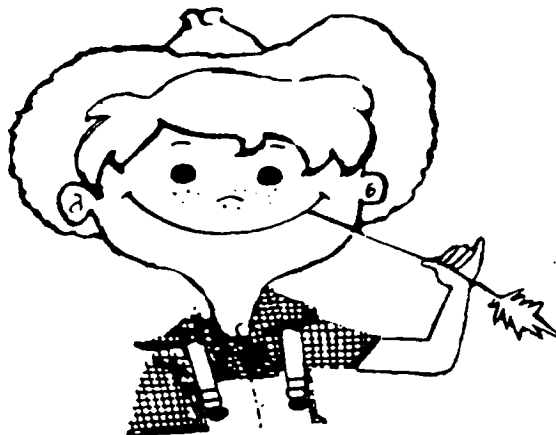
Int. Cl.: 42

Prior U.S. Cl.: 101

**United States Patent and Trademark Office**

**Reg. No. 1,222,958**  
Registered Jan. 4, 1983

**SERVICE MARK**  
Principal Register

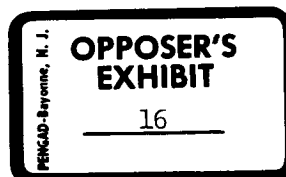


Commonwealth Foods, Inc. (Virginia corporation),  
d.b.a. Farm Fresh Supermarkets  
3487 Inventors Rd.  
Norfolk, Va. 23502

For: SUPERMARKET SERVICES, in CLASS  
42 (U.S. Cl. 101).  
First use Oct. 5, 1977; in commerce Oct. 5, 1977.

Ser. No. 276,062, filed Aug. 28, 1980.

D. J. FINGERET, Examining Attorney



**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-10-30 11:31:12 ET**

**Serial Number:** 73276062 Assignment Information Trademark Document Retrieval

**Registration Number:** 1222958

**Mark**



**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2003-09-24

**Filing Date:** 1980-08-28

**Transformed into a National Application:** No

**Registration Date:** 1983-01-04

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2008-04-11

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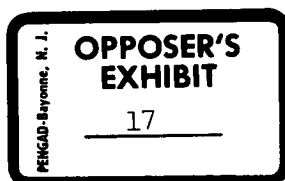
**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. FF ACQUISITION, L.L.C.

**Address:**

FF ACQUISITION, L.L.C.



4860 COX ROAD  
GLEN ALLEN, VA 23060  
United States

**Legal Entity Type:** Limited Liability Company  
**State or Country Where Organized:** Virginia

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### GOODS AND/OR SERVICES

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**International Class:** 042  
**Class Status:** Active  
Supermarket Services  
**Basis:** 1(a)  
**First Use Date:** 1977-10-05  
**First Use in Commerce Date:** 1977-10-05

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### ADDITIONAL INFORMATION

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**Design Search Code(s):**

**02.05.05** - Boys; Children, boy(s)

**02.05.07** - Children wearing folk, historical, farm, Indian or cowboy costumes; Costumes, cowboy (children wearing); Costumes, farm (children wearing); Costumes, folk (children wearing); Costumes, historical (children wearing)

**02.05.24** - Stylized children, including children depicted in caricature form

**05.03.10** - Other branches with leaves, with or without fruit

**05.07.02** - Bundles, grain; Haystacks; Stalks (grain)

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-08-22 - Notice Of Design Search Code Mailed

2008-08-14 - Notice Of Design Search Code Mailed

2008-04-11 - Case File In TICRS

2003-09-24 - First renewal 10 year

2003-09-24 - Section 8 (10-year) accepted/ Section 9 granted

2003-07-07 - Section 7 amendment issued

2003-03-29 - Section 7 amendment issued

2002-12-26 - Combined Section 8 (10-year)/Section 9 filed

2002-12-26 - PAPER RECEIVED

1988-12-09 - Section 8 (6-year) accepted & Section 15 acknowledged

1988-11-08 - Post Registration action mailed Section 8 & 15

1988-06-20 - Section 8 (6-year) and Section 15 Filed

1983-01-04 - Registered - Principal Register

1982-10-12 - Published for opposition

1982-08-31 - Notice of publication

1982-08-26 - Approved for Pub - Principal Register (Initial exam)

1981-05-12 - Non-final action mailed

1980-12-17 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

SCOTT W JOHNSTON

**Correspondent**

SCOTT W JOHNSTON

MERCHANT GOULD PC

P O BOX 2910

MINNEAPOLIS MN 55402 0910

---

#7

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: FF Acquisition, L.L.C.

Registration No.: 1,222,958

Registration Date: January 4, 1983

Docket: 14197.8US01

Mark: Miscellaneous Design (Farm Boy)

---

**APPLICATION TO AMEND CERTIFICATE OF REGISTRATION  
UNDER SECTION 7(e) AND DECLARATION UNDER 37 C.F.R. §2.20**

Commissioner for Trademarks  
ATTN: BOX POST REG FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

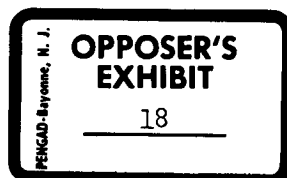
Dear Commissioner:

Pursuant to Section 7(e) of the Trademark Act, 15 U.S.C. §1057(e), Registrant, FF Acquisition, L.L.C., a Virginia limited liability company, having an address at 4860 Cox Road, Glen Allen, Virginia 23060, respectfully requests amendment of the above trademark registration by amending the design feature of the mark, as shown in the new drawing submitted herewith. In accordance with Rule 2.173, a new specimen showing the mark as used on or in connection with the goods or services, and a new drawing of the amended mark, are hereby submitted. In addition, Registrant encloses a certified copy of Registrant's certificate of registration as the original certificate was lost or destroyed. Finally, Registrant submits the amendment fee of \$100.00. Please also note that Registrant is also submitting a Combined Declaration of Use/Application for Renewal Under Sections 8 and 9 for this registration.

01/02/2003 NWILSON 00000125 1222958

03 FC:6214

100.00 OP





### Remarks

Acceptance of the proposed amendment is respectfully requested. The standard for evaluating amendments to marks at all stages of processing, during examination of the application and after registration, is whether the amendment comprises a "material alteration" to the original mark. See 37 C.F.R. §§ 2.72 and 2.173; TMEP §§ 807.14(a), 1603.10 and 1605.08. The general test of whether an alteration is material is whether the mark would have to be republished after the alteration in order to fairly present the mark for the purposes of opposition. This test was further articulated in *Visa International Service Association v. Life-Code Systems, Inc.*, 220 U.S.P.Q. 740 (TTAB 1983): "The modified mark must contain what is the essence of the original mark, and the new form must create the impression of being essentially the same mark." "That is, the new and old forms of the mark must create essentially the same commercial impression." *In Re Nationwide Industries Inc.*, 6 U.S.P.Q.2d 1882, 1885 (TTAB 1988).

Registrant respectfully submits that the amendment, which retains the Farm Boy Design, while modifying the position of one of his hands, is not a material alteration of the character of the mark. The mark as modified looks nearly identical to the mark as originally registered and creates the same commercial impression. Thus, the minor change to the position of one hand of the Farm Boy character does not constitute a material alteration of the mark. Accordingly, Registrant respectfully requests that its application for amendment be accepted.

### Power of Attorney

Registrant hereby appoints Scott W. Johnston, Reg. No. 39,721; John L. Beard, Reg. No. 27,612; Linda M. Byrne, Reg. No. 32,404; Sandra Epp Ryan, 39,667; Gregory C. Golla; D. Randall King; Anna W. Manville; and Paul A. Welter, Reg. No. 20,890 as attorneys

with the full power to represent the application in connection with this application, to transact all business in the Patent and Trademark Office connected therewith, and to receive the certificate.

Please direct all correspondence to the attention of:

Scott W. Johnston  
MERCHANT & GOULD P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this document, declares that I am properly authorized to execute this document on behalf of the Registrant; and all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

FF ACQUISITION, L.L.C.

Dated: Dec. 11, 2002

By: Stephen P. Kilgiff  
Name: Stephen P. Kilgiff  
Title: Vice President

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, BOX: POST REG FEE, 2900 Crystal Drive, Arlington, VA 22202-3513, on

December 18, 2002

By: Jennifer Rezac  
Name: Jennifer Rezac

# Merchant & Gould

An Intellectual Property Law Firm

P.O. Box 2910  
Minneapolis, Minnesota  
55402-0910 USA  
TEL 612.332.5300  
FAX 612.332.9081  
www.merchant-gould.com

Direct Contact

612-371-5274  
sjohnston@merchant-gould.com

A Professional Corporation

In re Registration of: FF Acquisition, L.L.C.

Mark: MISCELLANEOUS DESIGN (Farm Boy)  
Reg. No.: 1,222,958

Docket No.: 14197.8US01  
Due Date: January 4, 2003  
Registration Date: January 4, 1983

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, Box POST REG FEE, 2900 Crystal Drive, Arlington, VA 22202-3513, on December 18, 2002.

By:

*Jennifer Rozac*  
Jennifer Rozac

Commissioner for Trademarks  
BOX POST REG FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Commissioner:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate.
- ☒ Return postcard.
- ☒ Checks in the amount of \$500.00 and \$100.00.
- ☒ Combined Declaration of Use Under Section 8/Renewal Application Under Section 9.
- ☒ Other: Specimen for Class 42; Application to Amend Certificate of Registration Under Section 7(e) and Declaration Under 37 C.F.R. §2.20; Drawing Page; and Certified Copy of U.S. Registration No. 1,222,958.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By:

*Scott W. Johnston*  
Name: Scott W. Johnston

Reg. No.: 39,721

SWJohnston:RErickson:jrezac

(TM POST-REGISTRATION FILING)

1/17/03

# Merchant & Gould

An Intellectual Property Law Firm

P.O. Box 2910  
Minneapolis, Minnesota  
55402-0910 USA  
TEL 612.332.5300  
FAX 612.332.9081  
www.merchant-gould.com

Direct Contact | 612-371-5274  
sjohnston@merchant-gould.com

A Professional Corporation

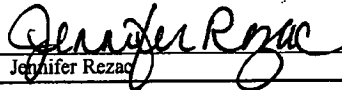
In re Registration of: FF Acquisition, L.L.C.

Mark: MISCELLANEOUS DESIGN (Farm Boy)  
Reg. No.: 1,222,958

Docket No.: 14197.8US01  
Due Date: January 4, 2003  
Registration Date: January 4, 1983

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, Box POST REG FEE, 2900 Crystal Drive, Arlington, VA 222023513, on December 16, 2002.

By:

  
Jennifer Rezac

Commissioner for Trademarks  
BOX POST REG FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

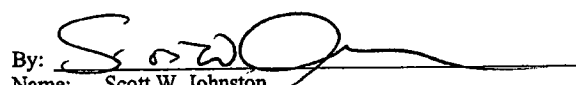
Dear Commissioner:

We are transmitting herewith the attached:

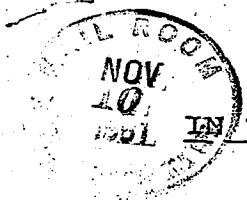
- ☒ Transmittal Sheet in duplicate.
- ☒ Return postcard.
- ☒ Checks in the amount of \$500.00 and \$100.00.
- ☒ Combined Declaration of Use Under Section 8/Renewal Application Under Section 9.
- ☒ Other: Specimen for Class 42; Application to Amend Certificate of Registration Under Section 7(e) and Declaration Under 37 C.F.R. §2.20; Drawing Page; and Certified Copy of U.S. Registration No. 1,222,958.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By:

  
Name: Scott W. Johnston  
Reg. No.: 39,721  
SWJohnston:RErickson:jrezac

M2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Trademark Application of:

COMMONWEALTH FOODS, INC., dba FARM FRESH  
SUPERMARKETS  
Serial No.: 276,062

Filed: August 28, 1980

Mark: DESIGN ONLY (Miscellaneous)

International Class: 42

Examiner: D.J. Fingeret  
Div. II

Washington, D.C.

November 10, 1981

AMENDMENT

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

The Official Action of May 11, 1981, has been carefully considered. It is noted that registration has been refused because the mark, when applied to the services of applicant, so resembles Registration No. 997,359, as to be likely to cause confusion, or to cause mistake, or to deceive.

It should be noted that the service mark contained in Registration No. 997,359 is not considered to be confusingly similar to applicant's mark, nor are the services considered to be confusingly similar. First of all, applicant's mark is being submitted for registration in connection with supermarket services. The mark consists of the bust of a country boy. This should be compared with Registration No. 997,359, which includes the full length figure of a boy with shoes on, who is holding out one arm, and it is difficult to see from the registration what he is carrying. The registration also includes the words "Picnic-N-Chicken". The words and the item being held by the boy are mounted on a black panel having a triangular portion cut away at the lower portion. It is submitted that upon comparison of the two marks it will become apparent

OPPOSER'S  
EXHIBIT

that there are so many differences between the two that they could not be considered confusingly similar by a purchaser.

Secondly, applicant's application is for registering the mark in connection with supermarket services, as opposed to the Registration No. 997,359, which is in connection with fried chicken, sold normally in a take-out restaurant. The same registration also includes services in connection with take-out restaurants.

It is submitted that the differences between the two marks are so great, as are the differences in the services and in the channels of trade, that there would be no likelihood of confusion. A purchaser would not confuse supermarket services with take-out restaurant services. Accordingly, reconsideration of this rejection is earnestly solicited.

It is also submitted that the mark is ready for publication and an early publication of the mark is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant

(202) 62805197

By Alvin Browdy



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

IN REPLY TO THE FOLLOWING AND THE FILING DATE:

1. SER. NO. 276062	2. MARK DESIGN ONLY-MISCELLANEOUS	ADDRESS COMMISSIONER OF PATENTS AND TRADEMARKS WASHINGTON D. C. 20231 AND FURNISH YOUR ZIP CODE AND TELEPHONE NUMBER IN ALL CORRESPONDENCE	5. PAPER NO. 1
3. APPLICANT COMMONWEALTH FOODS, INC., DBA, FARM FRE- SH SUPERMARKETS		6. MAILING DATE MAY 11 1981	
4. ADDRESS BROWDY & NEIMARK 419 7TH ST., N.W. WASHINGTON, D.C. 20004			

FORM PTO 36-33 (REV. 12-76) (FORMERLY PTO-1293) U.S. DEPT. OF COMM. Pat & TM Office

The address of all correspondence not containing fee payments should include the words, "Box 5". The response should indicate the mailing date of this action and the Attorney/Examiner's division number.

Registration is refused because the mark, when applied to the goods and/or services of the applicant, so resembles the mark cited below as to be likely to cause confusion, or to cause mistake, or to deceive. Section 2(d) of the Trademark Act; TMEP Section 1205. (see attached copies):

Reg. No. 997,359

Applicant is advised that registration No. 997,359 is the subject of cancellation proceeding No. 11335 brought by Country Properties, Inc.

DJF:mef

*Donald J. Fingeret*  
Donald J. Fingeret  
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(703) 557-3277

A proper response to THIS OFFICE action must be received within 6 months from the date of this action in order to avoid ABANDONMENT.

Int. Cl.: 29, 42

Prior U.S. Cl.: (46) 100

United States Patent Office

Reg. No. 997,359

Registered Nov. 5, 1974

**TRADEMARK  
SERVICE MARK**  
Principal Register

S  
*Hamm  
Boys*



Picnic 'N' Chicken, Inc. (California corporation)  
1020 Prospect St.  
La Jolla, Calif. 92037

For: FRIED CHICKEN, in CLASS 29 (U.S. CL. 46).  
For: TAKE-OUT RESTAURANT SERVICES, in  
CLASS 42 (U.S. CL. 100).

First use Jan. 26, 1973; in commerce Jan. 26, 1973.  
Without relinquishing any of its common law rights,  
applicant disclaims the word "Chicken" apart from the  
mark as a whole.

Ser. No. 5,693, filed Nov. 7, 1973.